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ARCHIVUM

REVUE INTERNATIONALE DES ARCHIVES

publiée sous les auspices de l'UNESCO

et du

CONSEIL INTERNATIONAL DES ARCHIVES

VOL. XX

1970



ARCHIVUM

Revue internationale des Archives

*publiée sous les auspices de l'UNESCO
et du*

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La cassette représentée sur la couverture provient des Archives nationales de France. Elle contient un rouleau du XII^e siècle, une charte scellée du XIII^e siècle, un registre et un document dactylographié moderne, symbolisant le rôle des Archives à travers les âges.

The casket represented on the front page is from the Archives nationales de France. It contains a roll of the XIIth century, a charter with seals of the XIIIth, a register and a modern typescript, symbolising Archives through different ages.

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Dépôt légal. — 1^{re} édition : 3^e trimestre 1972
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AVANT-PROPOS

Ce volume fait suite aux volumes XVII et XIX, consacrés à la publication des textes législatifs et réglementaires appliqués dans les Archives des pays européens. Il concerne les pays d'Afrique et d'Asie ; il sera suivi d'un quatrième volume (vol. XXI) pour l'Amérique et l'Océanie. Les mêmes règles de publication ont été suivies que pour les volumes XVII et XIX (cf. *Avant-propos* du volume XVII, p. 13-16).

La réunion des textes qui composent ce présent volume a été particulièrement difficile, en raison surtout de l'éloignement géographique de la plupart des pays qui y figurent. Notre gratitude pour les correspondants nationaux d'*Archivum* qui y ont collaboré n'en est que plus grande.

Nous tenons aussi à remercier tout particulièrement M. Jeffrey R. Ede, Keeper of the Records, London, M. Giovanni Antonelli, directeur de la division des Affaires techniques archivistiques à la Direction générale des Archives d'Etat d'Italie, Mlle Marie-Antoinette Ménier, conservateur à la Section Outre-Mer des Archives nationales de France, et M. Charles Kecskeméti, secrétaire du Conseil international des Archives, pour l'aide précieuse qu'ils nous ont apportée pour recueillir les lois de divers pays africains et asiatiques.

Malheureusement, malgré tout notre désir d'être aussi exhaustifs que possible, plusieurs pays n'ont pas répondu à notre appel, en dépit de nombreuses sollicitations de notre part. Puisse la publication de ce volume, où leur absence sera déplorée, être pour eux l'occasion de prendre conscience de l'intérêt que présente, pour tous les archivistes du monde, cette collaboration internationale dont *Archivum* est à la fois le fruit et le symbole.

Michel DUCHEIN,
Rédacteur en chef.

I

AFRIQUE

AFRIQUE DU SUD¹

Archives Act, 1962²

1. *Definitions.* — In this Act, unless the context otherwise indicates—

“accessions” means any documents and records acquired in terms of section *seven*;

“archives” means any documents or records received or created in a government office or an office of a local authority during the conduct of affairs in such office and which are from their nature or in terms of any other Act of Parliament not required then to be dealt with otherwise than in accordance with or in terms of the provisions of this Act;

“archives depot” means any archives depot referred to in section 5;

“commission” means the archives commission established by section *four*;

“director” means the director of archives appointed under section *three*;

“government office” means any office of the Government of the Republic, including the South African Railways and Harbours Administration, and of any provincial administration;

“intermediate depot” means an intermediate depot referred to in section 5;

“local authority” means any institution referred to in paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and any institution in the territory similar to any institution so referred to;

“Minister” means the Minister of National Education;

“prescribed” means prescribed by the regulations;

“province” includes the territory;

“provincial administration” includes the administration of the territory, and a prior governing authority of a province and of the territory;

“regulations” means any regulations made under this Act;

“territory” means the territory of South-West Africa;

“this Act” includes the regulations.

2. *General powers and duties of Minister in regard to archives.* — Subject to the provisions of this Act the Minister shall exercise control over the custody and care of archives and accessions.

1. Texts procured by the Director of Archives, Republic of South Africa.

2. *Statutes of the Republic of South Africa*, No. 6 of 1962.—Text as modified by Act No. 12 of 1964 and Act No. 63 of 1969.

3. *Appointment, powers and duties of director of archives.*

(1) Subject to the laws governing the public service the Minister shall appoint a director of archives who shall perform his functions under this Act subject to the directions of the Minister.

(2) Subject to the provisions of this Act the director—

- (a) shall be charged with the custody, care and control of archives and accessions;
- (b) may inspect or cause to be inspected any archives and accessions in so far as such inspection may be necessary for the performance of his functions under this Act, and may with the approval of the commission authorize the destruction of any archives or accessions which, in his opinion, are of an ephemeral nature;
- (c) may advise any person charged with the custody, care or control of any archives, in regard to the custody, care and filing thereof;
- (d) may with the approval of the commission publish or cause to be published or authorize the publication of any archives, accessions or original sources or any thesis or other work based on a study of any archives, accessions or such sources;
- (e) may, with the approval of the Minister, granted after consultation with the commission, by donation, exchange or otherwise dispose of any archives or accessions in an archives depot or an intermediate depot which are redundant or unsuitable for any archives depot, to any library, museum or other body;
- (f) may, on the application of any person and on payment of the prescribed fee, do any research into any archives or accessions and make copies thereof or extracts therefrom for such person;
- (g) may cause any archives or accessions to be repaired or bound or otherwise dealt with as he may deem necessary for the due preservation thereof; and
- (h) shall perform such other duties in connection with archives and accessions as the Minister may direct.

(3) Nothing in sub-section (2) contained shall be construed as authorizing the director or any other person to do anything which is contrary to any legal provision or the conditions under which any accessions were acquired.

4. *Establishment, constitution and functions of archives commission.*

(1) There is hereby established a commission to be known as the archives commission.

(2) The commission shall consist of so many members, not being less than seven, as the Minister may appoint.

(2 bis) The Minister shall designate one of the members as chairman of the commission.

(3) The term of office of such members shall be as prescribed.

(4) The functions of the commission shall be—

(a) to make recommendations to the Minister in regard to—

- (i) the acquisition by the director of documents and records in terms of section seven;
- (ii) the disposal by the director of any archives and accessions in terms of section three; and
- (iii) generally, all matters affecting archives; and

(b) in its discretion to grant or refuse approval for—

- (i) the destruction of archives or accessions which, in the opinion of the director, are of an ephemeral nature; and

- (ii) the publication of any archives, accessions or original sources or any thesis or other work based on a study of any archives, accessions or such sources.

(5) The commission may appoint committees from amongst its members and may assign to any committee so appointed such of its functions as it may deem fit: Provided that the commission shall not be divested of any function which it has so assigned to such a committee and may amend or revoke a decision of such a committee.

(6) The procedure at meetings of the commission and of such a committee shall be as prescribed.

(7) The commission or any such committee may co-opt any person as an assessor member to serve on the commission or on such committee, as the case may be, in an advisory capacity.

(8) The members of the archives commission appointed under section three of the Archives Act, 1953 (Act No. 22 of 1953), shall be deemed to have been appointed as members of the commission under this section.

5. *Archives depots and intermediate depots.* — There shall be—

(a) in every province such archives depots for the custody of archives; and

(b) if the Minister considers it to be necessary, such intermediate depots for the temporary custody of archives,

as the Minister acting in consultation with the Minister of Finance may from time to time determine.

6. *Transfer of archives to depots.* — All archives in a government office or any office of a local authority which are not in terms of any Act of Parliament required to be kept in the custody of a particular person, shall be transferred to the appropriate archives depot if they are thirty years old or older: Provided that—

(a) the Minister may—

- (i) at the request of any person charged with the custody, care or control of any such archives, grant permission that such archives or any portion thereof be retained in the office in question;
- (ii) direct that any such archives that originated in any office of the Government of the Republic and have a bearing on the history of any province, be transferred to the archives depot of that province; and
- (iii) direct that for purposes of convenience any such archives be transferred to any other archives depot specified by him; and

(b) the director may—

- (i) defer the transfer of any such archives until such time as he deems fit;
- (ii) grant permission that any such archives which are less than thirty years old, be so transferred; and
- (iii) transfer or cause to be transferred any such archives to any intermediate depot.

7. *Acquisition of documents and records for archives depots.*

(1) The director may on behalf of the State acquire by purchase or donation or on loan for a temporary period or in perpetuity, either unconditionally or subject to such conditions as may be agreed upon, any documents or records which, in his opinion, have or may acquire any historical value.

(2) Subject to any such conditions which may be applicable any such documents or records so acquired shall be deposited in the archives depot determined by the director.

(3) (a) Any person who in connection with the production of any written matter has made use of any archives or accessions, shall, if such written matter has been published or duplicated, at the request of the director furnish him with a copy thereof free of charge.

(b) Any copy furnished in terms of paragraph (a) shall be deposited in the archives depot determined by the director.

8. *Temporary transfer of archives from one depot to another.* — The director may for any reason deemed expedient by him transfer any archives or accessions temporarily from one archives depot to another: Provided that he shall not so transfer any archives or accessions from an archives depot in the territory to such a depot in the Republic without the approval of the Minister.

9. *Access to archives.*

(1) Subject to the provisions of this Act and any other law and the conditions, if any, under which any accessions were acquired, no person shall have access to any archives or accessions, other than those referred to in paragraphs (a) and (b) of sub-section (2), which are in an archives depot or an intermediate depot.

(2) Subject to the provisions of this Act and any other Act of Parliament and the conditions referred to in subsection (1) every member of the public shall, free of charge, have access—

(a) to all archives and accessions in archives depots and intermediate depots dating from the period ended, in the case of the Republic, on the thirty-first day of December, 1915, and, in the case of the territory, on the thirty-first day of December, 1920; and

(b) after the expiration of each period of five years after the commencement of this Act, to all archives and accessions in such depots dating from the period of five years ending the same period after, in the case of the Republic, the thirty-first day of December, 1915, and, in the case of the territory, the thirty-first day of December, 1920, as such first-mentioned period of five years ends after the commencement of this Act:

Provided that—

(i) the Minister may on the ground of public policy direct that access to any such archives or accessions be withheld; and

(ii) the director may refuse to allow access to any such archives or accessions on the ground of their fragile condition, and may refuse to allow access to any such archives or accessions pending the classification, repair or other treatment thereof.

(3) There shall be a right of appeal to the Minister against any decision of the director under sub-section (2) whereby access to any archives or accessions is refused, and the Minister's decision on any such appeal shall be final.

(4) Subject to the provisions and the conditions referred to in sub-section (1) the Minister may, upon application by any person, in his discretion and subject to such conditions as he may impose, authorize that person to have access to any archives or accessions in an archives depot or an intermediate depot to which members of the public have no access.

(5) The Minister may at any time withdraw any authority so granted.

(6) Subject to the provisions of any other law no person shall have access to any archives in a government office or an office of a local authority: Provided that any person charged with the custody, care or control of any such archives may, in his discretion and on such conditions as he may determine, but subject to the directions of the Minister and the provisions of this Act and any other law, authorize any person to have access to such archives.

(7) Access to archives relating to the South African Defence Force or defence matters in the custody of an archives depot shall not be authorized without the approval of the Minister acting in consultation with the Minister of Defence.

10. *Annual report by director.* — [...]

11. *Regulations.*

(1) Subject to the provisions of sub-section (2) the Minister may make regulations as to—

(a) the custody, care, microfilming and filing of archives and accessions;

(b) the inspection and destruction by the director of archives and accessions in terms of section three;

(c) the meetings of the commission and of a committee thereof appointed in terms of sub-section (5) of section four, and the travelling and subsistence allowance payable to members thereof and to assessor members co-opted in terms of sub-section (7) of the said section who are not in the full-time service of the State, in respect of any period during which they are engaged on the business of the commission and in respect of any journey undertaken in connection with such business;

(d) the transfer of archives from government offices or the offices of local authorities to archives depots or intermediate depots;

(e) the admission of the public to archives depots and intermediate depots, and to government offices and offices of local authorities in which archives are kept, the access to archives and accessions by the public, and the use of equipment for the making of copies of or extracts from any archives or accessions;

(e bis) the manner in which archives and accessions shall be handled by persons making use of them;

(f) the tariff of fees payable for supplying copies of or extracts from any archives or accessions or for research undertaken at the request of any person by the director, and the manner in which payment of any such fees shall be effected;

(g) generally, the effective administration of this Act.

(2) The Minister may make regulations as to the travelling and subsistence allowances and the tariff of fees referred to in paragraphs (c) and (f) of sub-section (1) respectively, only with the approval of the Minister of Finance.

12. *Offences and penalties.* — [...]

13. *Exemption from liability in respect of certain acts and omissions and limitation of actions.* — [...]

14. *Repeal of Archives Act of 1953.* — [...]

15. *Application of Act in South-West Africa.* — [...]

16. *Short title and commencement.* — [...]

Archives Regulations, 1963¹

PART I

Definitions

1. — In these Regulations an expression to which a meaning has been assigned in the Archives Act, 1962 (Act No. 6 of 1962), shall have the meaning so assigned to it, and unless the context otherwise indicates—

- (i) “archivalia” means publications in the custody of or under the control of the director, archives and accessions;
- (ii) “head of an office” means head of a government office or an office of a local authority;
- (iii) “researcher” means a member of the public who is doing research in an archives depot;
- (iv) “Act” means the Archives Act, 1962 (Act No. 6 of 1962).

PART II

Custody and care of archives

2. — The head of an office is entrusted with the custody and care of all his archives, until such archives shall be transferred to an archives depot or an intermediate depot in accordance with section six of the Act, or until the director shall grant authority for the destruction thereof.

3. — The head of an office shall keep all archives under proper control, neat, arranged in alphabetical or numerical order, in shelves or cabinets, and as far as possible in fire-proof rooms.

4. — The head of an office shall ensure that archives are handled, filed and stored in such a way that they are subject to the least possible deterioration.

5. — The director may require archives which are, in his opinion, not properly kept, or which are housed in unsuitable rooms, to be removed from such rooms and to be stored and otherwise treated in accordance with his instructions.

6. — A complete list, in numerical or alphabetical order, of all his archives which have been withdrawn from the registry, shall be kept by the head of an office.

7. — [Closure of archives to be transferred to an archives depot.]

8. — The director may require the head of an office to furnish such information as he considers necessary regarding the filing system, the physical conditions and care of the archives, the destruction of ephemeral archives and the transfer of archives to an archives depot, or an intermediate depot in connection with archives still in the custody of such office.

9. — If an office is to be closed permanently, the head of such office shall inform the director of that fact and shall also supply a list, in alphabetical or numerical order, of all archives in such office.

¹ Government Gazette Extraordinary, 6 September 1963.

10. — Whenever archives are transferred from one office to another permanently, the head of the office transferring the archives shall inform the director accordingly and shall furnish a complete list, in alphabetical or numerical order, of archives so transferred.

11. — No office shall transfer archives to another office, any library, museum or other body without the approval of the director.

PART III

Scrutiny and destruction of archives

12. — A head of an office shall obtain disposal instructions from the director in respect of all archives which are still in the custody of such office.

13. — All applications to destroy archives in respect of which no destruction authority exists, shall be forwarded to the director, accompanied by—

(a) a schedule, in duplicate, furnishing the following particulars:—

<i>File, record or form No.</i>	<i>Description</i>	<i>Period covered by archives</i>	<i>Remarks</i>

(b) a complete list of all Acts, ordinances, proclamations, government notices and regulations, if any, in terms of which archives were created.

14. — Archives shall appear in their alphabetical or numerical order in the schedule mentioned in regulation 13 (a).

15. — In the “remarks” column mentioned in regulation 13 (a) shall be given the reasons why the archives are considered ephemeral, and it shall also be stated whether the information they contain are available elsewhere, and if so, where and in what form: Provided that if the above particulars, as well as any other information which may be necessary to enable the director to form an opinion of the value of the archives, are too lengthy to be included in the “remarks” column, they shall be furnished in the covering minute or in an explanatory memorandum.

16. — All archives, the destruction of which has been authorised by the director, shall, with due regard to the period stipulated in each case, be destroyed without delay.

17. — [Certificate of destruction.]

PART IV

The Archives Commission

18-19. — [Term of office of the Archives Commission.]

20. — [Chairman and deputy-chairman.]

21-28. — [Meetings.]

29. — [Committees.]
 30-47. — [Procedure at meetings.]
 48. — [Allowances for Members of the Commission.]

PART V

Transfer of Archives to Archives depots and intermediate depots

49. — The head of an office may transfer all archives which have not yet reached the age of 30 years, to the intermediate depot indicated by the director for that purpose.

50. — The head of an office shall, in advance, notify the head of the archives depot or intermediate depot in question of the nature of the archives he intends to transfer to such depot as well as the period covered and linear feet of shelving space occupied by such archives.

51. — Archives shall not be transferred to an archives depot or intermediate depot until the head of the archives depot or intermediate depot in question shall have indicated that he is in a position to receive such archives.

52. — (1) Archives shall, on transfer to an archives depot or intermediate depot, be accompanied by a list, in duplicate, furnishing particulars regarding the archives in question, as follows:—

“I hereby certify that the archives mentioned below were today transferred to the archives depot/intermediate depot at

(Signature).....

(Designation).....

(Date).....

<i>No. of item, volume or package</i>	<i>No. of file, register or form</i>	<i>Description</i>	<i>Period covered by archives</i>

(2) Archives shall, on transfer, appear on the list in alphabetical or numerical order.

(3) Unbound archives shall be made up into neat packages and securely tied. Such packages shall also be clearly and adequately marked in sequence.

(4) Unless the director otherwise directs, archives shall, on transfer, be accompanied by the registers and indexes pertaining to them.

(5) Should a register in an office be missing, the head of the office shall ensure that a new register is drawn up which fact shall be entered on the inside of the fly-leaf of the register.

(6) A register shall, on transfer to an archives depot or intermediate depot, be stamped on the inside of the fly-leaf with the office stamp of the office transferring such register.

(7) After the archives shall have been checked against the list referred to in sub-regulation (1), the head of the archives depot or intermediate depot shall send the duplicate copy, together with an acknowledgement of receipt, to the head of the office which transferred such archives.

53. — Should the head of an office require archives or information from archives already transferred to an archives depot or intermediate depot, the number and date of the acknowledgement of receipt mentioned in sub-regulation (7) of regulation 52 above, shall be furnished, as well as the number of the item, volume or package and the number of the file, register or form, together with the description as it appears on the list drawn up at the time of the transfer.

PART VI

Admission of the public

54. — [Annual closure of reading-rooms in March.]

55. — Archivalia shall be consulted only in the reading-room of an archives depot.

56. — Every visitor not being a researcher shall sign his name in a separate visitors' book kept for that purpose.

57. — [Security regulations in reading-rooms.]

58. — A researcher intending to do research in an archives depot shall present himself to the head of the archives depot in question.

59. — (1) The head of an archives depot or his representative shall request a researcher to produce his identity card or passport, and personally to enter the subject of his research, the purpose for which the research is being undertaken, his permanent residential address as well as his identity card or passport number in the research register kept for the purpose and to sign such entries.

(2) A researcher shall complete a separate entry in the register in respect of every research project undertaken by him, and shall date and sign such entry.

(3) Before a researcher is admitted to a reading-room of an archives depot, he shall undertake in writing to notify the head of such archives depot of any change in, or any extension or modification of, the subject-matter of his research or the purpose for which the research is being undertaken, as well as any change in his permanent residential address.

(4) On completion of the research register by the researcher, the head of the archives depot or his representative shall issue him with an admission ticket to a reading-room which ticket shall be valid for the period indicated thereon.

(5) On the expiry of the period indicated on the admission ticket the researcher may apply to the head of the archives depot for a new ticket.

(6) The head of such archives depot may from time to time require a researcher to complete the research register anew.

(7) The head of an archives depot may withdraw or refuse an admission ticket to a reading-room on account of a contravention of the stipulations embodied in this part of these regulations, or on account of improper conduct, language, habits, clothing or anything else which constitutes an annoyance or which may be reasonably considered to constitute an annoyance to other researchers or on account of any damage to archivalia, or the persistent

disregard of the authority of an archives officer: Provided that the withdrawal or refusal of an admission ticket to a researcher shall immediately be reported to the director in writing.

60. — A researcher requiring admission to an intermediate depot, shall submit a written application to the director explaining the purpose of his visit.

61-65. — [Internal regulations of reading-rooms.]

66. — When an item of archivalia is transferred from one archives depot to another archives depot at the request of a researcher, the researcher shall defray the expenses involved in the transfer, and a deposit to cover such expenses shall be obtained from him before the transfer takes place.

67. — (1) A researcher shall present to the archives depot where he conducted his research one copy of each work which is based on such research and which he publishes or causes to be published or duplicates or causes to be duplicated in any other manner.

(2) Where a researcher has conducted research in more than one archives depot, he shall present the copy referred to in sub-regulation (1) to the office of the director.

68. — Provided that facilities are available, researchers shall be allowed to use their own typewriters or tape recorders in the process of copying.

69. — (1) Any person desiring access to archives or accessions in terms of sub-section (4) of section *nine* of the Act, shall address his application to the director, who shall submit it to the Minister: Provided, however, that an application to consult confidential or secret archives shall be referred by the director to the head of the office in question for a recommendation.

(2) The director shall inform such person in writing of the decision of the Minister and the conditions laid down by the Minister.

PART VII

Tariff of fees

70-73. — [Tariff and collection of fees.]

PART VIII

Repeal

74. — [Repeal of Government Notice No. 1276 of 5 September, 1958.]

BOTSWANA

Botswana has no archival legislation. Control of Archive is purely administrative, with directives emanating from the Ministry of Labour and Home Affairs. Rules are minimal, and members of the public are normally permitted free access to official Archives more than twenty five years old, subject to certain restrictions at Archivist's discretion. Restrictions are usually confined to confidential papers concerning living persons where divulgence could cause personal distress.

E. B. GWABINI,

Deputy Government Archivist, Botswana National Archives.

CAMEROUN¹

Décret n° 66/DF/412 du 17 août 1966

Organisation des Archives fédérales et de la Bibliothèque nationale²

TITRE I

De la Direction des Archives fédérales

ARTICLE PREMIER. — La Direction des Archives fédérales et de la Bibliothèque nationale, créée par le décret n° 65/DF/249 du 12 juin 1965 portant réorganisation de la Présidence de la République³, est chargée de contrôler et d'administrer la totalité des archives provenant des services, des collectivités et des établissements publics de la République fédérale du Cameroun, ainsi que des Etats fédérés.

De cette Direction dépendent les dépôts des Archives nationales de Yaoundé et de Buéa, et les dépôts d'archives qui pourront être créés ultérieurement.

ART. 2. — Le directeur des Archives fédérales dirige l'ensemble des services d'archives établis sur le territoire fédéral.

ART. 3. — Il exerce, cumulativement à ces fonctions, celles de directeur du dépôt des Archives nationales de Yaoundé. A ce titre, il est chargé de recueillir, trier et classer les archives de tous les services, collectivités et établissements publics fédéraux.

ART. 4. — Le directeur des Archives fédérales est seul qualifié pour autoriser, conformément aux règles fixées par le présent décret, les suppressions des documents inutiles. Il est autorisé à contrôler la bonne conservation des documents entreposés dans les locaux des services, des collectivités et des établissements publics, et éventuellement à en prescrire le versement aux Archives nationales.

ART. 5. — Il aide les services, les collectivités et les établissements publics à résoudre les problèmes de classement et d'organisation des archives et de la documentation.

ART. 6. — Il est chargé de la formation du personnel des Archives et bibliothèques pour lequel un mode de formation particulier n'a pas été prévu.

1. Textes communiqués par M. Mathias SACK, conservateur en chef à la Direction des Archives fédérales et de la Bibliothèque nationale, Yaoundé.

2. *Journal officiel de la République fédérale du Cameroun*, n° 17, 1^{er} septembre 1966, p. 1211-1215.

3. *Journal officiel de la République fédérale du Cameroun*, n° 12, juin 1965, p. 614-616. En vertu de ce décret, repris notamment par celui du 20 janvier 1971 (*ibid.*, n° 6, 15 mars 1971, p. 374), la Direction des Archives fédérales et de la Bibliothèque nationale est rattachée à la Présidence de la République fédérale.

ART. 8. — Chacun des dépôts des Archives nationales de Yaoundé et de Buéa comprend une section fédérale et une section fédérée. Il est créé, au dépôt des Archives nationales de Yaoundé, une section des Archives de l'Etat fédéré du Cameroun oriental, et au dépôt des Archives nationales de Buéa, une section des Archives fédérales. Ces deux sections contrôleront et regrouperont à Yaoundé les archives des services, collectivités et établissements publics du Cameroun oriental, à Buéa les archives des services fédéraux ayant leur siège au Cameroun occidental.

ART. 10. — Jusqu'à ce qu'il soit créé un service d'archives au siège des Inspections fédérales, les archives de celles-ci seront rassemblées aux Archives nationales de Yaoundé et de Buéa, dans les sections fédérales de ces dépôts. Celles des préfectures, sous-préfectures et districts, dans les sections fédérales ou fédérées de ces mêmes dépôts selon la nature de la documentation ; celles des communes dans les sections fédérées.

De la Commission supérieure des Archives et Bibliothèques

Avant chaque réunion, un ou plusieurs représentants non titulaires sont désignés par les ministres ou chefs de service dont les archives font l'objet de la réunion.

ART. 12. — La Commission est présidée par le représentant du Président de la République.

1. Division administrative regroupant plusieurs départements ; il existe actuellement six inspections fédérales.
2. Office national de la Recherche scientifique et technique.

De l'organisation des dépôts d'archives

ART. 14. — Les Archives nationales de Yaoundé comprennent :

- a) un secrétariat qui assiste le directeur dans sa double fonction de directeur des Archives fédérales et de directeur du dépôt des Archives nationales de Yaoundé ;
- b) une section des Archives fédérales comprenant deux sous-sections, une sous-section des services centraux et une sous-section des services extérieurs et collectivités publiques ;
- c) une section des Archives du Cameroun oriental, comprenant trois sous-sections : une sous-section des services centraux, une sous-section destinée à recevoir les archives des services extérieurs et collectivités publiques, et une sous-section où sera conservé un duplicata de tous les actes d'état civil du Cameroun oriental ;
- d) une section Bibliothèque nationale.

Les chefs des sous-sections ont rang de :

ART. 17. — Le chef du service des Archives régionales aura, dans les limites de son territoire, les mêmes attributions que le directeur des Archives fédérales sur l'ensemble du territoire, notamment en ce qui concerne l'inspection des archives des préfectures, des sous-préfectures et des communes. Il sera lui-même inspecté par le directeur des Archives fédérales.

Du triage et de la suppression des documents

ART. 19. — Des listes de dossiers sont établies dans chaque service et étudiées en commun par les fonctionnaires de ce service et par la Direction des Archives, sous les différents aspects administratifs, législatifs et historiques, et soumises ensuite à la Commission supérieure des Archives et Bibliothèques. Celle-ci soumet à l'approbation du Président de la République, pour chaque catégorie de dossiers, une liste des documents à conserver indéfiniment et une liste de ceux qui peuvent être éliminés après une certaine durée de conservation. Ces listes font l'objet d'un décret.

31

ART. 21. — Chaque fois qu'un type de dossier ne figurera pas sur une liste, l'avis de la Commission supérieure des Archives et Bibliothèques devra être sollicité. Les listes devront en outre être révisées périodiquement.

ART. 22. — Les chefs des services d'archives régionales procèdent de la même manière, mais leurs listes sont soumises à la Commission supérieure des Archives et Bibliothèques par l'intermédiaire du directeur des Archives fédérales. Les bordereaux de suppression sont approuvés par celui-ci.

TITRE V

Des versements de documents

ART. 23. — Tous les documents dont les services, collectivités et établissements publics estimeront ne plus avoir besoin devront être versés dans le dépôt d'Archives nationales ou régionales compétent.

ART. 24. — Il appartient aux chefs des services, collectivités et établissements publics d'apprécier le délai pendant lequel ils doivent conserver leurs dossiers d'archives dans leurs propres locaux, mais lorsque ce délai dépassera vingt ans, il devra être justifié par les nécessités du service. Le directeur des Archives peut soumettre les cas litigieux à la Commission supérieure des Archives et Bibliothèques.

ART. 25. — Pour les ministères des Forces armées et des Affaires étrangères, ce délai est porté à 50 ans, ces ministères conservant, s'ils le désirent, la faculté de verser aux Archives nationales des dossiers plus récents.

ART. 26. — Le directeur des Archives fédérales provoque le versement dans le dépôt d'archives compétent des dossiers clos visés par les articles 29 et 30 du présent décret.

ART. 27. — Le directeur des Archives fédérales a le droit de venir constater le bon état de conservation et de classement des dossiers archivés par les services, collectivités et établissements publics, ainsi que le bon état du local où ils sont conservés. Ses observations sont soumises à la Commission supérieure des Archives et Bibliothèques, qui provoque les décisions utiles.

ART. 28. — Les ouvrages et périodiques devenus inutiles dans les bureaux de documentation des services, des collectivités et des établissements publics sont versés à la section Bibliothèque nationale du dépôt des Archives nationales de Yaoundé.

ART. 29. — Tout versement doit être accompagné d'un bordereau en double exemplaire dont l'un, signé par le directeur des Archives fédérales, est remis au service versant pour décharge.

ART. 30. — Le chef du service d'archives créé au siège de chaque Inspection fédérale a les mêmes droits et les mêmes obligations en ce qui concerne les versements de documents des services, collectivités et établissements publics situés dans le ressort de l'Inspection.

TITRE VI

De la communication des documents

ART. 31. — Les documents versés dans un dépôt d'archives pourront être librement consultés lorsqu'ils auront plus de quarante ans, à l'exception de ceux qui sont désignés à l'article suivant et de ceux pour lesquels il existe une législation particulière.

ART. 32. — Le délai est porté à 70 ans pour les documents militaires et diplomatiques et pour les dossiers du personnel.

ART. 33. — Chaque chef de service, de collectivité ou d'établissement public peut demander que la date de libre communication soit retardée pour une catégorie de documents déterminée. La décision est prise après consultation de la Commission supérieure des Archives et des Bibliothèques.

ART. 34. — Les documents versés dans un dépôt d'archives ne peuvent, avant la date de libre communication, être communiqués sans autorisation spéciale à un autre service, à une autre collectivité ou à un autre établissement public que celui dont proviennent les documents.

ART. 35. — Chaque service, collectivité ou établissement public a droit à la communication avec déplacement des documents qu'il a versés. Les communications aux particuliers se font uniquement sur place.

ART. 36. — Le délai de libre communication des documents peut être réduit exceptionnellement dans un but scientifique, en faveur de certains chercheurs, avec l'accord du service versant et sous la responsabilité du directeur des Archives fédérales. En ce qui concerne les documents confidentiels, l'autorisation est accordée par le Président de la République, ou par les premiers ministres pour les archives de leurs Etats.

TITRE VII

De la Bibliothèque nationale

ART. 37. — [Documents conservés par la Bibliothèque nationale.]

ART. 38. — [Exécution.]

Circulaire du 29 septembre 1966

Instructions pour la conservation, la protection et le classement des archives administratives¹

De récentes visites d'inspection dans différentes unités administratives ont permis de constater que les archives s'y trouvent souvent conservées dans des conditions matérielles peu satisfaisantes. L'intérêt que présentent ces documents pour l'histoire de notre pays ne peut pourtant vous échapper. Il importe donc que ces documents soient préservés pour les générations futures et qu'un certain nombre de mesures soient prises pour leur sauvegarde [...].

I

De la conservation et de la protection des archives

Les documents qui ont cessé d'être d'un usage courant seront conservés à l'abri des attaques des insectes, des rongeurs et des intempéries.

Désormais les chefs d'unités administratives réserveront un local approprié à cet effet.

1. Circulaire n° 15/CAB/PR/SG du Président de la République fédérale à MM. les Inspecteurs fédéraux d'administration, préfets, sous-préfets et chefs de districts.

Le local, garni de rayonnages inattaquables par les termites et d'une toiture en bon état, ne servira point de débarras. Un calendrier de désinfections et de nettoyages périodiques de ce local ainsi que du matériel y entreposé sera établi par le chef de l'unité administrative considérée qui, à cette occasion, indiquera de façon précise les modalités d'application pratique de ses instructions.

Il est formellement décommandé de déposer à même le sol et en vrac, empilés les uns sur les autres, les documents en cause.

Tous les documents destinés aux archives seront soigneusement enliassés, placés dans une chemise ou enveloppés de papier fort, ficelés et placés sur rayonnages ; l'indication sommaire du contenu sera portée sur chaque liasse, ainsi qu'un numéro d'ordre. Un état des documents ainsi archivés sera tenu à jour ; y seront inscrits, outre le numéro d'ordre, l'indication sommaire du contenu de chaque liasse ou dossier.

Une copie de cet état sera adressée chaque année, dans le courant de janvier, à la Direction des Archives fédérales et de la Bibliothèque nationale à Yaoundé, accompagnée d'un bref rapport sur la situation générale des archives et l'état des locaux.

Dans chaque préfecture, sous-préfecture ou district, un responsable sera officiellement désigné pour veiller sur les archives, préparer le rapport annuel et provoquer les mesures indispensables à la bonne conservation des documents qui lui sont confiés.

Le directeur des Archives fédérales et de la Bibliothèque nationale, autant que possible, effectuera périodiquement des visites à toutes les unités administratives, s'assurera de la bonne exécution des mesures prescrites et déterminera, avec l'accord des préfets, sous-préfets et chefs de districts, les documents à transférer aux Archives nationales.

II

Du classement

La tenue des archives ne peut être efficace que si l'on respecte certains principes élémentaires, à savoir la régularité dans les opérations et la sobriété dans l'emballage, sous peine, pour ce dernier cas, de faire éclater les dossiers trop volumineux et d'entraîner de ce fait désordre et pertes de documents.

Le classement des documents produits au cours de l'activité d'un service administratif a pour but d'améliorer le rendement, en facilitant les recherches d'un document ou d'un ensemble de documents se rapportant à une même affaire ; il consistera donc à grouper dans un même dossier toute la documentation relative à une même affaire, depuis l'ouverture jusqu'à la clôture du dossier.

La constitution de dossiers est la base essentielle de tout classement. Le dossier doit être consacré à un seul sujet ou une seule affaire, le sujet pouvant être compris d'une manière vaste ou restreinte. Il doit comprendre sans exception tous les documents se rapportant à la même affaire, quelles que soient leur nature (correspondances, rapports, plans, etc.) et leur origine.

Par exemple, dans une préfecture, un rapport sur le problème de la main-d'œuvre sera classé dans un dossier intitulé : « main-d'œuvre », où viennent s'ajouter, au fur et à mesure de leur production, tous les documents se rapportant à ce thème. Cependant, le sujet donnera en principe naissance à une documentation trop abondante pour qu'elle puisse être conservée dans un seul dossier. On ouvrira alors plusieurs autres dossiers destinés chacun à un aspect particulier du problème de la main-d'œuvre : textes organiques, principes, instructions, main-d'œuvre dans telle ou telle localité, main-d'œuvre de telle catégorie (agricole, industrielle), recrutement, licenciement, etc. Eventuellement, une affaire se rapportant à la main-d'œuvre dans un établissement particulier pourra, en raison de son importance, justifier l'ouverture d'un dossier spécial. C'est le jugement de l'archiviste, sa connaissance des activités du service et des problèmes qui lui permettront de savoir jusqu'à quel point un sujet devra être divisé

en dossiers particuliers. Lorsqu'un sujet ne pourra plus être sous-divisé, il sera néanmoins possible de constituer des dossiers par tranches chronologiques ; on fermera le dossier considéré comme trop gros à une date déterminée et on ouvrira pour la même affaire un nouveau dossier qui lui fera suite. A l'intérieur de chaque dossier, les documents sont classés en principe dans l'ordre où ils se présentent, mais une réponse devra toujours être agrafée à la lettre qui l'aura provoquée et des sous-dossiers pourront être créés.

Le dossier étant classé, il faut ensuite, en cas de besoin, le retrouver. Il convient pour cela de lui attribuer une cote, c'est-à-dire un signe particulier numérique alphabétique ou numérico-alphabétique, qui indiquera l'emplacement où il est conservé, sa place parmi les autres dossiers. Cette cote sera inscrite sur la chemise du dossier d'une manière bien lisible et sur les documents eux-mêmes¹.

1. En annexe de cette circulaire figurent deux cadres de classement, l'un pour les archives des préfectures, sous-préfectures et districts, l'autre pour les archives des Inspections fédérales.

RÉPUBLIQUE CENTRAFRICAINE

Ordonnance n° 69/028 du 27 juin 1969

Institution des Archives nationales centrafricaines¹

ARTICLE PREMIER. — Sont instituées les Archives nationales de la République centrafricaine.

ART. 2. — Les Archives nationales sont constituées par l'ensemble des actes, textes, correspondances, documents, pièces, journaux et publications diverses qui revêtent un caractère historique, administratif ou documentaire intéressant la République centrafricaine et qui se trouvent tant sur le sol national qu'à l'étranger.

ART. 3. — Un organisme administratif sera créé à la diligence des autorités intéressées, à l'effet de rechercher, rassembler, classer, inventorier et de prendre toutes les mesures conservatoires nécessaires.

ART. 4. — Cet organisme appelé à fonctionner dans le cadre du ministère délégué à la Présidence de la République, chargé du Secrétariat général du gouvernement, sera doté d'un personnel administratif spécialisé et, au fur et à mesure des possibilités et des besoins, du personnel technique indispensable, notamment d'un conseiller technique, archiviste ou archiviste-paléographe.

ART. 5. — En attendant que cet organisme dispose de l'assistance technique prévue et des moyens matériels, notamment immobiliers et financiers indispensables, le ministre de l'Intérieur et le ministre délégué à la Présidence de la République, chargé du Secrétariat général du gouvernement, prendront conjointement, chacun pour ce qui le concerne, les dispositions nécessaires pour le regroupement, le classement et la prise urgente des mesures conservatoires utiles à la sauvegarde des archives anciennes.

ART. 6-7. — [Application. Publication et exécution.]

1. *Journal officiel de la République centrafricaine*, n° 17, 15 août 1969, p. 429.

RÉPUBLIQUE POPULAIRE DU CONGO

Il n'existe pas actuellement de lois ou règlements d'archives pour la République populaire du Congo.

Toutefois, des projets de décrets sont en cours d'élaboration. Dès qu'ils auront été adoptés par le gouvernement, la rédaction d'*Archivum* en sera informée.

J. A. IKILI,
Conservateur du Musée national, Brazzaville.

COTE-D'IVOIRE

INTRODUCTION

Historique. — Lorsque Abidjan est devenue capitale de la Côte-d'Ivoire en 1934, on y a transféré tous les services administratifs qui étaient installés à Bingerville. Mais on avait omis de construire un bâtiment pour les archives, qui furent entreposées en 1936, faute de place, dans un grenier provisoire aménagé au-dessus des bureaux du service du Personnel de l'époque, au moyen d'un faux plafond. Aménagé pour abriter momentanément les archives, ce grenier ne comportait ni salle de tri et de classement, ni magasin de réception des versements. Archicomble, il ne pouvait accueillir les archives des administrations centrales ni celles des départements et sous-préfectures, de sorte qu'il était matériellement impossible de recevoir des versements.

Mieux, le 8 février 1969, il fut constaté que, sous le poids de la masse des papiers accumulés et sous l'action de l'humidité et des termites, le faux plafond s'était subitement et dangereusement incurvé, menaçant de céder définitivement. Les archives furent déménagées dans la précipitation et stockées pêle-mêle dans un bureau disponible de l'Inspection générale des services administratifs et dans les vérandas de l'immeuble. En mai 1969, grâce à la bienveillante action du ministre de l'Intérieur — autorité de tutelle —, les archives furent transférées dans les locaux évacués par le service comptable central.

Perspectives d'avenir. — Parallèlement au réaménagement de nos Archives nationales dans les locaux actuels, le ministère ivoirien de l'Intérieur a fait effectuer par la Fondation André-Vidal, représentée par M. de Schotten, un programme d'organisation et un projet de construction de la « Maison des Archives nationales » qui sera vraisemblablement inscrit au prochain budget spécial d'investissement et d'équipement.

Par ailleurs, l'Unesco a attribué l'année dernière à la Côte-d'Ivoire le projet pilote en archives des Etats de l'Ouest africain, et depuis le 4 février 1971 un expert français travaille sur place à préparer les conditions de réalisation de ce projet.

F. J. AMON D'ABY,
*Directeur du service des Archives nationales
de la Côte-d'Ivoire, Abidjan.*

Arrêté du 9 juillet 1953

Règlement général des Archives de l'Afrique occidentale française¹

ARTICLE PREMIER. — Un dépôt d'archives est établi au gouvernement général à Dakar et au chef-lieu de chacun des territoires de l'Afrique occidentale française.

I

Attributions

- ART. 2. — a) L'archiviste conserve, classe, répertorie et inventorie tous les documents versés ou déposés au dépôt d'archives ;
b) il provoque la réintégration des documents appartenant aux Archives, qui n'y ont pas été versés ou qui en ont été distraits ;
c) il prépare l'élimination des papiers périmés ;
d) il recherche et communique, dans les conditions fixées aux articles 23 à 32 inclus, les documents qui lui sont demandés ;
e) il prépare les expéditions authentiques quand il en est requis ;
f) il dresse les tables du *Journal officiel* ;
g) il gère la bibliothèque administrative du gouvernement dans les conditions fixées aux articles 40 à 42 inclus ;
h) il est appelé à donner son avis sur les mesures qui intéressent les archives ; il présente notamment les propositions budgétaires pour le fonctionnement du dépôt d'archives.

ART. 3. — Il est chargé du contrôle des archives des cercles et subdivisions.

ART. 4. — L'archiviste du gouvernement général assure, en outre, la direction technique des Archives de l'Afrique occidentale française et l'inspection des dépôts d'archives des territoires de la Fédération.

ART. 5. — En cas d'absence ou de vacances, le sous-archiviste remplace de droit l'archiviste dans les attributions définies à l'article 2.

ART. 6. — Un compte rendu annuel des travaux effectués par le personnel des Archives des gouvernements locaux sera adressé par les gouverneurs des territoires au gouverneur général sous le timbre « Archives ». L'archiviste local y rendra compte notamment de l'état des locaux, des réintégrations, dons, acquisitions et dépôts de documents, des versements des papiers administratifs, des suppressions de papiers périmés, de l'avancement du classement, des répertoires et inventaires, des communications et expéditions de pièces, du travail des employés, de l'emploi détaillé (article par article) des crédits mis à sa disposition, de ses tournées de contrôle des archives des cercles et subdivisions, etc.

II

Versement

ART. 7. — Les dossiers, registres et pièces concernant les affaires traitées par les établissements, administrations et services publics, soit à Dakar, soit dans les territoires de la Fédération, sont obligatoirement versés : à Dakar, au dépôt d'archives du gouvernement général ;

1. *Journal officiel de l'Afrique occidentale française*, 25 juillet 1953, p. 1134-1139.

dans les territoires de la Fédération, au dépôt d'archives du gouvernement local, dans les conditions fixées aux articles 8 à 13 inclus.

ART. 8. — Les documents visés à l'article 7, à partir du moment où ils sont reconnus inutiles à l'expédition des affaires courantes pour les services du gouvernement général ou les établissements, administrations et services publics qui ont leur siège à Dakar, sont versés annuellement au dépôt d'archives du gouvernement général, soit pour y être intégrés, soit pour y demeurer en dépôt, à la seule disposition des intéressés, jusqu'à ce qu'ils soient ou incorporés définitivement aux Archives du gouvernement général ou détruits d'accord avec ces services.

ART. 9. — Les dispositions qui précèdent sont applicables à tous les établissements, administrations et services publics ayant leur siège hors de Dakar. Les documents desdits établissements, administrations et services publics, et ceux des bureaux des gouvernements locaux sont alors versés au dépôt d'archives du territoire, dans les conditions déterminées à l'article 8.

ART. 10. — Le délai au terme duquel les documents sont estimés ne plus devoir être utiles à l'expédition des affaires courantes est de dix ans, à partir de la fermeture du registre ou dossier.

ART. 11. — Toute dérogation aux articles 7 à 10 ne pourra être accordée que par arrêté du gouverneur général, pris sur la proposition du chef de service intéressé et de l'archiviste du gouvernement général.

ART. 12. — Dans tous les cas où un établissement, une administration ou un service public vient à disparaître, ses documents, s'ils ne sont pas recueillis par l'établissement, l'administration ou le service qui lui succède, sont obligatoirement et sans délai versés : à Dakar, au dépôt d'archives du gouvernement général ; dans les territoires, au dépôt d'archives du chef-lieu.

ART. 13. — Tout versement sera annoncé une semaine au moins à l'avance à l'archiviste par le service qui l'effectue. Il est obligatoirement accompagné d'un bordereau en double exemplaire, dressé par le service versant, daté et signé, comprenant autant d'articles que le versement contient de volumes, liasses ou dossiers, et mentionnant succinctement le contenu de chaque article. L'une de ces expéditions est conservée aux archives ; l'autre, après vérification, est signée par l'archiviste et rendue, avec mention de récépissé, au service qui a fait le versement.

III

Achat, don et dépôt

ART. 14. — Les Archives du gouvernement général et les Archives des chefs-lieux des territoires peuvent acquérir par voie d'achat les documents concernant l'Afrique occidentale française mis en vente publique, offerts par les libraires et les particuliers, conformément aux règles établies pour ces transactions.

Elles peuvent bénéficier de dons qui sont faits pour elles au gouvernement général ou aux gouvernements locaux.

ART. 15. — Elles peuvent recevoir en dépôt, de la part de particuliers, associations, sociétés ou entreprises, tous documents, collections de documents ou fonds d'archives, sous réserve d'un contrat de dépôt où sont libellées les conditions de conservation et de communication desdits documents qui sont et demeurent propriété du particulier ou groupement déposant.

IV

Suppression

ART. 16. — Sans le visa de l'archiviste, il est interdit aux établissements, administrations et services publics de livrer directement au public, à la vente ou à la destruction des documents autres que les papiers dits « de corbeille ».

ART. 17. — Lorsque les documents devant normalement être livrés aux Archives du gouvernement général ou aux Archives des chefs-lieux des territoires sont signalés par les établissements, administrations ou services intéressés comme pouvant être vendus ou détruits, la vente et la destruction avant le transfert aux Archives ne peuvent être effectuées qu'après examen sur place par l'archiviste, qui apprécie s'il y a lieu de livrer ces documents à la vente ou à la destruction ou de les verser aux Archives en vue de les conserver en tout ou en partie après triage.

ART. 18. — Aucune des pièces déjà versées aux Archives ne peut être éliminée sans le consentement du chef du service d'où elles proviennent ; la suppression se fait sur la proposition de l'archiviste, après autorisation du gouverneur.

ART. 19. — Sont à conserver indéfiniment :

- a) tous les documents antérieurs à 1920 ;
- b) toutes les pièces qui peuvent servir à établir un droit au profit d'un territoire, d'une administration, d'une association ou d'un particulier ;
- c) tous les documents qui présentent ou peuvent acquérir un intérêt historique.

ART. 20. — Peuvent être supprimés, en principe, après un délai déterminé :

- a) les documents dont les données essentielles se retrouvent dans un autre document récapitulatif, surtout si ce document récapitulatif a été imprimé ;
- b) les papiers qui ne présentent qu'un intérêt temporaire, lorsque le temps pendant lequel ils pouvaient être utiles est écoulé.

ART. 21. — Les papiers dont la suppression a été autorisée seront, s'ils sont vendus, déchirés et brisés avant la livraison à l'acquéreur, en présence d'un représentant de l'autorité publique.

V

Classement

ART. 22. — Les archives conservées dans les dépôts des gouvernements locaux sont classées d'après le cadre de classement annexé à la circulaire du gouverneur général, en date du 2 juillet 1913, mis à jour et reproduit en annexe au présent arrêté.

VI

Communications

ART. 23. — Les documents versés aux dépôts d'archives du gouvernement général et des gouvernements locaux peuvent, lorsqu'ils ont cinquante ans de date, être librement communiqués au public.

Toutefois, le gouverneur général, en ce qui concerne les archives du gouvernement général, les gouverneurs locaux, en ce qui concerne les archives des territoires, peuvent interdire la communication aux particuliers de tout document, quelle qu'en soit la date,

lorsque cette communication paraîtrait de nature à porter atteinte à l'honneur des individus ou des familles, ou lorsqu'elle présenterait des inconvénients au point de vue administratif.

Les documents déposés ou donnés sous réserve aux Archives ne sont communiqués que dans les conditions indiquées par les déposants ou donateurs.

Les lecteurs français peuvent être requis de justifier de leur identité. Les étrangers ne sont admis à faire des recherches dans les dépôts d'archives que s'ils sont accrédités par les agents diplomatiques de leur pays.

ART. 24. — L'archiviste doit mettre à la disposition du public les documents communicables qui lui sont demandés, faire connaître, en outre, aux travailleurs le maniement des instruments de recherche et, d'une manière générale, les faire profiter de son expérience ; mais il n'est pas tenu de faire pour les intéressés les recherches qui leur incombent normalement et qu'il leur est possible de faire eux-mêmes.

ART. 25-26. — [Règlement interne de la salle du public.]

ART. 27. — Exceptionnellement, la communication au-dehors peut être autorisée ; l'autorisation ne peut être donnée, suivant le cas, que par le gouverneur général ou par le gouverneur du territoire ; la communication ne peut avoir lieu que dans un établissement public.

ART. 28. — Lorsqu'une pièce, un dossier ou un registre versé aux Archives par les services du gouvernement général ou du gouvernement d'un territoire est demandé en communication pour affaire de service, cette pièce, ce dossier ou ce registre est remis contre un reçu d'un chef de service qui en assure la garde sous sa responsabilité. Le délai de communication est de quinze jours, renouvelable une fois.

ART. 29. — Les pièces à communiquer au-dehors dans les conditions prévues aux articles 27 et 28 doivent être non seulement estampillées, mais numérotées si elles ne l'ont pas encore été. Elles sont, en outre, comptées et le nombre en est inscrit sur l'enveloppe qui les contient.

Une fiche portant notamment le nom du demandeur et la date de la communication remplace sur les rayons l'article ou le document absent.

ART. 30. — [Tenue de registres de communication, avec et sans déplacement.]

ART. 31. — Pour les documents librement communicables, l'autorisation de photographier peut être accordée par l'archiviste ; deux épreuves du cliché obtenu sont déposées aux Archives.

ART. 32. — [Jours et heures d'ouverture des dépôts d'archives.]

VII

Mesures de protection

ART. 33-38. — [Mesures de protection pour les locaux et pour les documents.]

ART. 39. — Les documents provenant des établissements, administrations et services publics sont imprescriptibles et inaliénables.

Il est interdit à quiconque, particulier ou administration, de constituer des collections de documents originaux provenant des archives.

Tout vol, détournement, détérioration ou destruction d'archives sera puni conformément à la loi.

VIII

Bibliothèque administrative

ART. 40. — La bibliothèque administrative, complémentaire des archives, comprend tous les documents imprimés par ordre des services du gouvernement, les recueils de lois, les codes, les annuaires, etc., tous les ouvrages administratifs, juridiques et réglementaires nécessaires à la recherche d'un texte ou à l'étude d'un détail institutionnel.

ART. 41. — L'archiviste tient à jour les catalogues et le registre d'entrée.

ART. 42. — Les mesures d'ordre qui concernent les archives sont applicables à la bibliothèque administrative, instituée pour les besoins des services du gouvernement. Toutefois, sont exclus du prêt à l'extérieur les ouvrages de références et les volumes en mauvais état. Le délai de communication des journaux officiels ne peut dépasser quarante-huit heures.

IX

Archives des cercles et subdivisions

ART. 43. — En aucun cas, des registres, papiers et autres documents manuscrits originaux antérieurs à 1920 ne demeurent sur place dans les bureaux des cercles et subdivisions ; ils doivent obligatoirement être versés aux Archives du chef-lieu du territoire, quitte à en faire établir une copie, si ledit document présente un intérêt administratif permanent.

ART. 44. — Les archives de tous les cercles et subdivisions de l'Afrique occidentale française sont classées d'après le cadre de classement annexé au présent arrêté.

ART. 45. — Des dossiers de principe seront constitués pour chaque matière et constamment tenus à jour.

ART. 46. — Les registres, dossiers et chemises fermées antérieurs à dix ans de date, inutiles à l'expédition des affaires courantes, seront versés, chaque année, au dépôt d'archives du gouvernement local pour y être conservés indéfiniment. Le versement s'effectuera sous bordereau dans les conditions déterminées à l'article 13.

ART. 47. — Toutefois, les prescriptions contenues dans l'article 46 ne seront applicables que sur arrêté spécial du gouverneur de chaque territoire.

X

Personnel et matériel

ART. 48-53. — [...]

ART. 54. — [Clause abrogatoire.]

ART. 55. — [Publication.]

ANNEXE

Cadre de classement

[...]

DAHOMEY

INTRODUCTION

Les Archives du Dahomey furent organisées pour la première fois en 1912-1913 par les soins de l'archiviste Duthoit, sur l'initiative de l'administrateur Thévenin. Celui-ci constitua un riche dépôt à Porto-Novo, où se trouvèrent concentrées les archives des cercles du Bas-Dahomey, Ouidah, Porto-Novo, Grand-Popo, Abomey. Un arrêté du 2 mars 1914 réglementa le fonctionnement du service des Archives dahoméennes ; il est toujours en vigueur¹.

Malheureusement une période d'abandon suivit, surtout dans la période 1930-1942. Le classement réalisé par Duthoit fut anéanti.

Par arrêté général du 3 août 1943, le service des Archives fut confié à l'IFAN (actuellement IRAD : Institut de Recherches appliquées du Dahomey). Ensuite il conquist son autonomie (article 55 de l'arrêté général n° 5065 du 9 juillet 1953), et fut successivement rattaché au ministère de l'Education nationale, à la Présidence du Conseil, à la Présidence, et à nouveau au ministère de l'Education nationale depuis le 11 octobre 1967.

Le besoin d'une législation archivistique moderne se fait sentir au Dahomey ; des projets sont à l'étude pour les prochaines années.

Damien d'ALMEIDA,
*Assistant de recherches de l'IRAD,
Directeur-adjoint des Archives nationales
du Dahomey, Porto-Novo.*

1. *Infra*, p. 48-49.

Arrêté du 2 mars 1914

Organisation d'un dépôt d'archives¹

ARTICLE PREMIER. — Le service des archives, au Dahomey, est appelé à recueillir, examiner, mettre en valeur, s'il y a lieu, classer, inventorier et répertorier tous les documents anciens importants qui sont de nature à contribuer utilement à l'étude des questions historiques et administratives.

ART. 2. — Ces fonctions sont remplies par un archiviste auquel sont confiées la garde et la sûreté du local renfermant le dépôt d'archives. Il veille à l'entretien du mobilier et à la bonne tenue du dépôt. Un commis dactylographe et un planton sont attachés au service.

ART. 3. — L'archiviste se conforme aux instructions publiées par le gouvernement général pour tout ce qui concerne l'ordre à suivre dans le travail de dépouillement et de classement des documents.

ART. 4. — Une estampille portant ces mots : Colonie du Dahomey-Archives est apposée sur la partie écrite des pièces. Dans les collections de registres de volumes, elle est reproduite en plusieurs endroits, au moins sur le titre, au milieu, à la fin.

ART. 5. — Nul ne peut s'introduire dans le local des archives, si ce n'est en présence de l'archiviste ou d'un agent autorisé à cet effet.

ART. 6. — Chaque année, avant le 1^{er} décembre, les chefs de service et les administrateurs commandants de cercle verseront au dépôt des archives tous les documents ayant une ancienneté de cinq ans, en ne faisant exception que pour les pièces reconnues utiles au service courant et relatives à des affaires non entièrement terminées.

ART. 7. — Ces envois se feront par dossiers étiquetés accompagnés d'un bordereau en double expédition, comprenant autant d'articles que le versement contiendra de dossiers, cartons, volumes, et mentionnant le titre général et les dates extrêmes de chaque article.

L'une des expéditions du bordereau restera aux archives ; l'autre, après vérification, sera rendue avec la mention de récépissé de l'archiviste.

ART. 8. — Lorsqu'une pièce ou un dossier déposé aux Archives sera nécessaire pour un objet de service, l'administrateur d'un cercle, ou le chef du bureau compétent, pourra demander qu'il lui en soit fait remise sous sa responsabilité, pour un temps déterminé. A l'expiration de ce terme, l'archiviste réclamera la pièce communiquée et le délai ne pourra être prorogé que par décision du lieutenant-gouverneur.

ART. 9. — Il sera tenu par l'archiviste pour les communications de ce genre un registre spécial qui mentionnera la date de la demande, la nature et l'objet de la pièce, les nom et emploi du fonctionnaire, la durée présumée de la communication, la date de la sortie, la date de la rentrée. Ce registre sera émargé à la sortie par le chef de bureau, à la rentrée par l'archiviste. Dans le dossier auquel appartient la pièce communiquée, l'archiviste placera une fiche indiquant le signe de classement qu'elle porte et le numéro du registre de communication.

ART. 10. — Les communications de pièces aux particuliers auront lieu sans frais et seulement au bureau, en présence de l'archiviste ou d'un employé.

En règle générale, on ne doit communiquer à chaque personne qu'un dossier à la fois.

ART. 11. — Les pièces d'un intérêt privé seront communiquées seulement aux personnes qui justifieront qu'elles ont qualité pour en prendre connaissance.

ART. 12. — Il peut être délivré aux chefs des diverses administrations qui en feront la demande des extraits ou copies des actes, titres, et autres documents déposés aux archives. Mention sera faite, au bas des pièces, de l'administration à laquelle elles sont destinées.

A l'égard des copies, des calques de plans, les administrations les feront exécuter par leurs propres moyens.

L'archiviste aura soin de viser pour collation les expéditions ou extraits de pièces déposées aux archives. Les expéditions seront marquées du timbre du gouvernement.

ART. 13. — Au moment du classement des pièces nouvellement versées, il sera fait un triage des documents à conserver et de ceux qui pourront être détruits.

En principe général, sont conservés :

- 1^o les titres, actes, décisions qui intéressent l'Etat, les colonies, les communes, les établissements de bienfaisance et les particuliers ;
- 2^o tous les documents susceptibles d'être conservés pour les recherches d'histoire, d'art, de topographie ou de statistique.

ART. 14. — Des instructions ultérieures établiront le laps de temps pendant lequel devront être conservés, suivant l'ordre de la série à laquelle ils appartiennent, les papiers qui ne sont pas de nature à être conservés indéfiniment.

ART. 15. — Aucune suppression de papiers n'aura lieu sans l'intervention préalable d'une condamnation en due forme, exécutoire seulement après approbation par le lieutenant-gouverneur, en Conseil d'administration.

ART. 16. — Les mesures d'ordre qui concernent les Archives sont applicables aux Bibliothèques administratives et à celles du gouvernement dont la garde et la conservation sont confiées à l'archiviste. [...].

ART. 17. — En sus de ses attributions l'archiviste assurera la correction des épreuves du *Journal officiel* dont il dressera les tables annuelles et aura le soin de tenir régulièrement à jour les répertoires des actes officiels.

ART. 18. — Il réunira en collections suivies les publications officielles, littéraires, scientifiques, adressées au gouverneur, et il établira, au gré de ses lectures, des extraits susceptibles d'intéresser par leur nature les cercles et les services auxquels il en fera la communication.

ART. 19. — Il recueillera au cours de ses travaux les éléments de notices destinées à entrer sous une forme déterminée dans la composition de l'annuaire du gouvernement général.

ART. 20. — Les Archives et la Bibliothèque sont rattachées au Cabinet du lieutenant-gouverneur.

ART. 21. — [Publication.]

1. *Journal officiel de la République du Dahomey*, 1^{er} juillet 1914, n^o 13, p. 302-303.

GABON¹

Décret du 11 novembre 1969

Création des Archives nationales et de la Bibliothèque nationale²

ARTICLE PREMIER. — Il est créé à Libreville une Direction des Archives nationales du Gabon, rattachée à la Présidence de la République.

ART. 2. — La Direction des Archives nationales est chargée :

- 1^o d'organiser et d'administrer la totalité des archives provenant des administrations, des collectivités et des établissements publics de la République gabonaise ;
- 2^o d'effectuer l'inspection technique des archives des préfectures, sous-préfectures et des archives municipales ;
- 3^o de remplir toute autre mission qui pourra lui être confiée par le gouvernement.

ART. 3. — Tous les documents dont les services, collectivités et établissements publics estimeront ne plus avoir besoin, soit pour l'expédition de leurs affaires courantes, soit pour le fonctionnement permanent du service, devront être versés aux Archives nationales.

ART. 4. — Les documents versés aux Archives nationales pourront être consultés, dans les limites qui seront fixées ultérieurement.

ART. 5. — Les Archives nationales sont dirigées par un fonctionnaire portant le titre de directeur des Archives nationales du Gabon, nommé par décret du Président de la République.

ART. 6. — La Bibliothèque nationale est rattachée à la Direction des Archives nationales et constitue une dépendance des Archives nationales.

ART. 7. — L'organisation, le fonctionnement et le règlement des Archives nationales et de la Bibliothèque nationale feront l'objet d'un arrêté ultérieur.

ART. 8. — [Exécution. Clauses abrogatoires.]

1. Textes communiqués par M. Gaston RAPONTCHOMBO, directeur des Archives et de la Bibliothèque nationales, Libreville.

2. *Journal officiel de la République gabonaise*, 15 décembre 1969.

Arrêté du 21 août 1970

Autorisation au directeur des Archives nationales
de récupérer les archives administratives antérieures à 1960¹

ARTICLE PREMIER. — Tous les dossiers et documents administratifs antérieurs à 1960 en dépôt sur tout le territoire de la République doivent être remis, sur sa demande, au directeur des Archives nationales, qui en assurera la conservation.

ART. 2. — Sont exclues les archives dont les services, collectivités et établissements publics estimeront avoir encore besoin, soit pour l'expédition de leurs affaires courantes, soit pour le fonctionnement permanent du service.

ART. 3. — Chaque service, collectivité ou établissement public a droit à la communication avec déplacement des documents qu'il a versés.

ART. 4. — Les documents entreposés aux Archives nationales ne peuvent être communiqués sans autorisation spéciale à un autre service, à une autre collectivité ou à un autre établissement public que celui dont proviennent les documents.

ART. 5. — [Exécution.]

1. *Journal officiel de la République gabonaise*, 1^{er} octobre 1970.

GAMBIE¹

Public Records Act, 1967²

1. *Short title.* — This Act may be cited as the Public Records Act, 1967, and shall come into operation on such date and to such extent as the Minister may by order published in the *Gazette* appoint.

2. *Interpretation.* — In this Act, unless the context otherwise requires,—

“Government office” includes a Ministry or Department of the Government, the Supreme Court, the office of any body incorporated directly by Act of Parliament, the office of any authority constituted under whatever name for purposes of local government, and the office of any subordinate court, *cadi's court* or District Tribunal;

“Keeper” means the Keeper of Public Records appointed under the provisions of section 3 of this Act;

“local authority” means an authority established under the Local Government (Bathurst) Act and the Local Government Act, 1963;

“Minister” means the Minister for the time being responsible for the administration of this Act;

“records” means all public records, documents and other historical matter of every kind, nature and description which are in the custody of any Government office or which may, after the commencement of this Act, be transferred to or acquired by the Public Record Office.

3. *Establishment of Public Record Office and appointment of Keeper.*

(1) There shall be established an office with as many branches as may be deemed necessary or convenient, to be called the Public Record Office, in which shall be preserved such records of historical value as are transferred thereto or acquired by the Keeper under the provisions of this Act.

(2) There shall be a Keeper of Public Records who shall be a public officer and who, under the direction of the Minister, shall make provision for the custody, preservation, arrangement, repair and rehabilitation and for such duplication, reproduction, description and exhibition of records transferred to the Public Record Office as may be necessary or appropriate, including the preparation and publication of inventories, indexes, catalogues and other finding aids or guides facilitating their use:

Provided that until the appointment of the Keeper shall have been made, the duties and functions of the office shall be performed by such public officer as the Minister may appoint.

1. Texts procured by Mr. Stephen A. BAHOM, Keeper of the Public Records, Bathurst.

2. *The Gambia Government Gazette*, No. 4, 1st February 1967, p. 25-28. Text as amended by the Public Records (Amendment) Act, 1969 (*ibid.*, No. 54, 31st December 1969).

4. *Examination of Government records and transfer to the Public Record Office.*

(1) The Keeper and any officer of the Public Record Office authorised by him shall have power to examine any records which are in the custody of any Government office, and shall advise such office as to the care, custody and control thereof.

Provided that this subsection shall not empower the Keeper, or any officer authorised by him, to examine any records relating to matters which, by statute or otherwise, are forbidden to be communicated to him.

(2) Records in the custody of any Government office shall be transferred periodically to the Public Record Office in accordance with Regulations made under section 11 of this Act.

5. *Acquisition of records by the Keeper.* — The Keeper, with the approval of the Minister, may by contract, testamentary bequest or in other similar manner acquire all such original records, documents and other historical material or copies or replicas thereof as he may deem necessary or desirable to secure for the Public Record Office and he may pay for them or for the transcribing, binding and repairing thereof out of such funds as are voted by Parliament for that purpose.

6. *Public inspection.*

(1) The Keeper, with the approval of the Minister, and subject to any Regulations made under section 11 of this Act, shall provide reasonable facilities for the purpose of making available to the Government and to the public information contained in the records under his control either—

- (a) by making the original records or other materials available for consultation; or
- (b) by furnishing copies (authenticated by the Keeper's official seal or otherwise) of, or extracts or information collected from, such original records or other materials.

Provided that nothing in this subsection shall require the disclosure of any material exempted from examination by statutory provisions or other lawful restrictions.

(2) Nothing in this section shall affect the power of any competent court to order the production of any document in any proceedings instituted before such court.

7. *Authentication of copies and use in evidence of such copies.* — [...]

8. *Appointment of Public Record Committee.*

(1) For the purpose of the permanent preservation of important records and to provide an orderly method for the disposition of such records, there shall be established a permanent committee on public records, to be called the Public Record Committee, which shall consist of—

- (a) the Keeper; and
- (b) such other persons, not exceeding eight in number, as may be appointed by the Minister, of whom one shall have been nominated to represent the non-Government secondary schools.

(2) The persons appointed under paragraph (b) of subsection (1) of this section shall hold office for such period as may be determined at the time of their respective appointments.

(3) The Committee shall elect its own Chairman.

9. *Functions of Public Record Committee.* — It shall be the duty of the Public Record Committee—

- (a) to advise the Minister on all matters relating to records;
- (b) to examine the requests of Government offices for the destruction or other disposition of records;

- (c) to make recommendations for the approval of the Minister on all applications for licences for the export of original records, documents or literary manuscripts; and
- (d) to supervise the publication of any records or lists or calendars of records authorised by the Minister to be published.

10. *Restriction on exportation of historical documents.*

(1) The exportation from the Gambia of documents which are records or which relate to the Gambia and which have been certified by the Keeper to be of historical value is prohibited except in accordance with the terms of an export licence issued by the Minister.

(2) Subject to the provision of subsection (1) of this section, any person other than a Gambian who collects oral tradition or who prepares a manuscript or any matter pertaining to the Gambia, shall, before being granted an export licence, deposit a copy thereof at the Public Records Office.

(3) A licence issued under the provisions of subsection (1) of this section shall specify each document to which the licence relates and may contain such conditions as the Minister thinks fit.

(4) Any person who contravenes the provisions of subsection (1) or subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

11. *Power of Minister to make Regulations.* — The Minister may make Regulations providing for—

- (a) the admission of the public to the offices of the Keeper and the inspection by the public of the records;
- (b) the transfer of any records from the custody of any Government office having control thereof to the Public Record Office;
- (c) the examination, disposal or destruction of any records which are not of sufficient value to justify their preservation in the Public Record Office or elsewhere;
- (d) the fees to be paid in respect of services provided by the Keeper; and
- (e) generally the better carrying out of the objects and purposes of this Act.

12. *No derogation from powers of Chief Justice.* — [...]

Public Records Regulations, 1968¹

1. — These Regulations may be cited as the Public Records Regulations, 1968.

2. — In these Regulations, unless the context otherwise requires,—
“the Committee” means the Public Record Committee established under section 8 of the Act;
“official purposes” means the purposes of the Government or of a Government office;
“searcher” means any person specially authorised under these Regulations to inspect records.

1. *The Gambia Government Gazette*, No. 29, Vol. 85, 31st. May 1968, p. 50-52.

3. — (1) There shall be a search room in the Public Record Office open every day except Sundays and public holidays.

(2) [Hours of admission.]

4. — (1) No person other than a person specially authorised for official purposes shall use the search room or inspect any records unless he makes application in writing and a ticket [...] entitling him to search records is issued.

(2) No fee shall be payable on the application for, or on the issue of, such ticket.

5. — The Keeper shall keep or cause to be kept an attendance register in which every searcher shall, when using the search room, record his name and address.

6. — Any searcher may, upon request made in writing and without payment of a fee, inspect and make copies of records in any case where the records—

(a) are not less than 30 years old; and

(b) for official purposes have no special security classification.

7. — (1) The Keeper may, with the approval of the Minister, prescribe rules not inconsistent with these Regulations for the conduct and use of the search room.

(2) Rules made under this Regulation shall be printed, typed or duplicated and conspicuously displayed in a place where they may be read by persons using the search room.

(3) Where contrary to the rules a nuisance is created it shall be an offence under this Regulations, and where there is any other infringement of the rules the persons concerned may, at the discretion of the Keeper, be deemed to be trespassers and be dealt with accordingly, and may in addition be required by the Keeper to surrender their tickets.

8. — (1) The Keeper may, upon request made in such form as he approves and on payment in advance of the prescribed fee, certify or prepare and certify copies of records or extracts from records included in the request [...].

(2) [Scale of fees.]

(3) [Payment of fees.]

9. — Any person who wilfully destroys, damages or removes records shall be guilty of an offence under these Regulations and liable on summary conviction to a fine of twenty-five pounds.

SCHEDULES

Schedule 1. — [Forms of searcher's ticket and certificate of authentication.]

Schedule 2. — [Scale of fees.]

GHANA¹

Public Archives Ordinance, 1955²

1. *Short title and commencement.* — This Ordinance may be cited as the Public Archives Ordinance, 1955, and shall come into operation on the date to be appointed by the Governor by notice published in the *Gazette*.

2. *Interpretation.* — In this Ordinance, unless the context otherwise requires—

“Government office” means a Ministry, Government department, the Supreme Court of the Gold Coast and the office of the Legislative Assembly of the Gold Coast;

“Minister” means the Minister responsible for archives;

“public archives” means all such public records, documents and other historical material of every kind, nature and description, as are in the custody of any Government office, or as may after the date of the coming into operation of this Ordinance be transferred to or acquired by the National Archives of the Gold Coast.

3. *Establishment of National Archives of the Gold Coast.*

(1) There shall be established an archives office, to be called the National Archives of the Gold Coast, wherein shall be stored for better preservation such of the public archives, which have sufficient historical or other value to warrant their continued preservation by the Gold Coast Government, as are transferred thereto or acquired by the Archivist under this Ordinance.

(2) There shall be an Archivist who shall be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers to the public service of the Gold Coast and who, under the direction of the Minister, shall make provision for the custody, preservation, arrangement, repair and rehabilitation, and for such duplication and reproduction, description and exhibition of records transferred to him as may be necessary or appropriate, including the preparation and publication of inventories, indexes, catalogues and other finding aids or guides facilitating their use.

(3) The staff of the office shall consist of such other officers, clerks and employees as may be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers to the public service of the Gold Coast.

4. *Examination of Government records and transfer to the National Archives of the Gold Coast.*

(1) The Archivist (which expression shall hereinafter in this Ordinance include any assistant archivist) shall have power to examine any of the public archives which are in the custody of any Government office, and shall advise such office as to the care, custody and control thereof.

1. Texts procured by Mr. Jeffrey R. Edg, Keeper of the Records, London.
2. *Supplement to Gazette*, No. 101, 17th December 1955, p. 247-250.

(2) The public archives which are in the custody of Ministries or Government departments shall be transferred periodically to the National Archives in accordance with regulations made under the provisions of this Ordinance.

5. *Acquisition of other records.* — The Archivist, with the approval of the Minister, may by contract, testamentary bequest or in other similar manner acquire all such original records, documents and other historical material or copies or replicas thereof as he may deem necessary or desirable to secure for the National Archives, and he may pay for them or for the transcribing, binding and repairing thereof out of such funds as are voted by the Legislature for that purpose.

6. *Archives to be open to public inspection.*

(1) The Archivist, with the approval of the Minister, and subject to any regulations made under this Ordinance shall make such provision and maintain such facilities as he deems necessary or desirable for the purposes set out in subsection (2) on this section in relation to records in his custody that are not exempt from examination by statutory provisions or other restrictions.

(2) The purpose referred to in subsection (1) of this section shall be to make available for use, to the Government or the public, information in records and other materials in the National Archives by furnishing such records or other materials or copies thereof, authenticated by the Archivist's official seal or otherwise, or information from such records or materials.

(3) Nothing in this section contained shall affect the power of any competent court to order the production of any document in any proceedings instituted before such court.

7. *Authentication of copies and use in evidence of such copies.* — [...]

8. *Appointment of Committee on public Archives.*

(1) For the purpose of the permanent preservation of important public archives and to provide an orderly method for the disposition of such archives, there shall be established a permanent committee on public archives, to consist of the Archivist and three other persons, one designated by the Attorney-General to represent him, one designated by the Auditor-General to represent him, and one designated by the Senate of the University College of the Gold Coast to represent that body. This committee shall examine the requests of Government offices for the destruction or other disposition of such archives, and shall have power to order the destruction, temporary or permanent retention, transfer to the National Archives or disposition of such archives and shall be specifically required to safeguard the legal, financial and historical interests of the Government in such archives.

(2) The Minister may designate in writing such further persons not exceeding two in number to be members of the committee, established by subsection (1) of this section, for such period as he may think fit and either for the purpose of all the functions of the committee or for the purpose of specified functions of the committee.

9. *Restriction on exportation of historical documents.*

(1) The exportation from the Gold Coast of documents which are public archives or which relate to the Gold Coast and are, in the opinion of the Archivist, of historical value is prohibited except in accordance with the terms of a licence to export issued by the Minister.

(2) A licence issued under the provisions of subsection (1) of this section shall specify each document to which the licence relates and may contain such conditions as the Minister may think fit.

(3) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty-five pounds.

10. *Power of Minister to make regulations.* — The Minister may make regulations providing for—

- (a) the admission of the public to the National Archives and the inspection by the public of the public archives;
- (b) the transfer of any public archives from the custody of any Government office having control thereof to the National Archives;
- (c) the fees to be paid in respect of services provided by the Archivist; and
- (d) generally the better carrying out of the objects and purposes of this Ordinance.

Public Archives Regulations, 1958¹

1. *Title.* — These Regulations may be cited as the Public Archives Regulations, 1958.

2. *Interpretation.* — In these Regulations, unless the context otherwise requires,—
“Disposal Schedule” means a schedule of public archives held for official purposes and to be dealt with as prescribed by these Regulations;

“the National Archives” means the National Archives of Ghana;

“official purposes” means the purposes of the Government or of a Government office;

“the Ordinance” means the Public Archives Ordinance, 1955;

“the permanent committee” means the permanent committee on public archives established under section 8 of the Ordinance;

“the proper authority” includes the Minister responsible for archives and the Controlling Officer of a Government Office;

“searcher” means any person specially authorised under these Regulations to inspect public archives in the National Archives.

3. *Preservation of public archives.* — No person shall destroy, damage or remove any public archives of legal, financial or historical interest except in accordance with these Regulations.

4. *Regulations divided into parts.* — [...]

PART I

Disposal of public archives

5. *Procedure for disposal of public archives.*

(1) Upon the receipt of an application in writing from the Archivist, the proper authority shall prepare a Disposal Schedule [...] in respect of all public archives held for official purposes, or of any category of public archives as may be specified in the application, in any case where—

- (a) not being less than 15 years old, the public archives are not required for official purposes; or

1. *Supplement to Gazette*, No. 70, 16th August 1958, p. 360-371.

- (b) the Government office or a section of a Government office has ceased to exist and the public archives are not required for official purposes; or
- (c) the Commission of Inquiry or other body or authority specially constituted for official purposes has ceased to exist or its functions have terminated.

(2) Where public archives are more than four years old and are unlikely to be required for official purposes, the proper authority may prepare a Disposal Schedule in respect of such archives.

6. *Disposal Schedule to include recommendation as to disposition of public archives.* — [...]

7. *Meetings of permanent committee.*

(1) For the purposes of the Ordinance and of this Part of these Regulations meetings of the permanent committee may be convened by the Archivist who shall be Chairman of that Committee.

(2) The permanent committee may appoint as its secretary a senior member of the staff of the National Archives.

(3) The permanent committee may make its own rules for the conduct of its proceedings and the proper discharge of its business and may from time to time amend such rules.

(4) The permanent committee may in its rules require the attendance at its meetings of a representative of the proper authority and the production of public archives.

(5) A copy of the rules and of any amendment to the rules shall be submitted to the Minister.

8. *Disposal orders by permanent committee.* — [...]

9. *Destruction of public archives.*

(1) The proper authority shall comply with the requirements of every order delivered to the proper authority under the provisions of regulation 8 of these Regulations and where necessary destroy the public archives mentioned in the order.

(2) A record of public archives destroyed under this regulation shall be kept by the proper authority who shall transmit a copy to the Archivist.

(3) No public archives shall be destroyed except in accordance with an order under this regulation or a direction given by the Minister under regulation 21 of these Regulations.

10. *Retention of public archives.*

(1) Where under Regulation (8) of these Regulations the permanent committee orders the retention of any public archives by the proper authority, the order shall state whether the retention shall be permanent or for a specified period of years.

(2) On receipt of an order for the retention of public archives, the proper authority shall retain such archives in safe custody; and upon the expiration of any period for retention specified in the order shall destroy the public archives so retained in the manner prescribed by regulation 9 of these Regulations.

(3) Notwithstanding the provisions of paragraph (2) of this regulation, if, at the expiration of a specified period for retention, the proper authority is of the opinion that any public archives should not be destroyed but should be retained for a further period of years, he may prepare in respect of such archives a further Disposal Schedule in accordance with regulation 5 of these Regulations for consideration by the permanent committee.

(4) In any case where public archives have been ordered under regulation 8 of these Regulations to be retained permanently, the proper authority shall, upon the expiration

of 25 years from the date of the order, arrange for the review of the public archives. If, in the opinion of the proper authority, there are grounds for the variation of the order in respect of any of the public archives, the proper authority may prepare a further Disposal Schedule in accordance with regulation 5 of these Regulations for consideration by the permanent committee.

11. *Transfer of public archives to National Archives.*

(1) Where under regulation 8 of these Regulations the permanent committee orders the transfer of any public archives to the National Archives, the proper authority shall deliver the public archives to the Archivist in accordance with directions issued by the Archivist.

(2) The public archives to be transferred shall be accompanied by a Transfer Schedule in duplicate [...]. The Transfer Schedule shall include a statement of the contents of the public archives and any other information required and sufficient to identify them.

(3) Where public archives are transferred to the National Archives under this regulation the Archivist shall endorse a receipt for the public archives upon one copy of the Transfer Schedule and deliver it to the proper authority.

(4) Upon the transfer of public archives to the National Archives, the Archivist shall enter the public archives in his records and do all things necessary to classify them and hold them in safe custody.

(5) Public archives under the control of the Archivist shall not without his consent in writing be removed except for use in the search room.

12. *Restriction on transfer of public archives.* — Where public archives consist of a series of records or documents, no subsequent part of the series shall be transferred until all earlier parts have been transferred to the National Archives.

13. *Disposal of public archives held in National Archives.* — Whenever it appears to the Archivist that any public archives in his custody or control or transferred to the National Archives in accordance with these Regulations may properly be destroyed, he may prepare a Disposal Schedule in respect of such archives for consideration by the permanent committee, and upon receipt of an order from the permanent committee to that effect, but not otherwise, he shall destroy such archives. [...]

PART II

Inspection of public archives in National Archives

14. *Public archives to be open to public.* — [Days and hours of admission to the search room.]

15. *No person to make a search without a ticket unless specially authorized.* — [...]

16. *Attendance Register to be kept.* — [...]

17. *Public Archives available to searchers.*

(1) Any searcher may upon request [...] and without payment of a fee inspect and make copies of public archives in any case where the public archives—

- (a) are not less than 50 years old; and
- (b) for official purposes have no special security classification.

(2) Other public archives in the National Archives shall be available to searchers only where authorised by the Archivist with the approval of the proper authority which transferred the public archives.

18. *Archivist may prescribe rules for search room.* — [...]

19. *Authentication of copies of public archives.* — [...]

PART III

Miscellaneous

20. *Penalties.* — [...]

21. — *Special provisions as to public archives with security classification.* — [...]

SCHEDULES

Schedule 1. — [Disposal Schedules, Transfer Schedules.]

Schedule 2. — [Application form for searcher's ticket; Searcher's ticket; Application form for a document; Certificate of Authentication.]

Schedule 3. — [Scale of fess.]

KENYA¹

Public Archives Act, 1965²

1. *Short title and commencement.*

(1) This Act may be cited as the Public Archives Act, 1965, and subject to the provisions of subsection (2) of this section shall come into operation on such date as the Minister shall, by notice in the Gazette, appoint.

(2) Section 6 of this Act shall not, save to the extent that the Chief Archivist may authorize any person to have access to any public archives or any category thereof in accordance with section 6 (4) (b), come into operation until the Minister has, by notice in the Gazette, declared the public archives to be open for public inspection.

2. *Interpretation.* — In this Act, unless the context otherwise requires—

“Chief Archivist” means the person appointed to that office in accordance with the provisions of section 3 of this Act;

“national archives” means the place or places wherein are housed or preserved such public records as have been, or are required to be, transferred to the national archives, and such other records as the Chief Archivist may have acquired or received to form part of the public archives;

“public archives” means all public records and other records which are housed or preserved in the national archives or which are deemed to be part of the public archives;

“public records” means such records as may be prescribed in the Schedule to this Act: Provided that the Minister may, by order in the Gazette, amend the said Schedule;

“records” includes not only written records, but records conveying information by any means whatsoever;

“Service” means the Public Archives Service established under section 3 of this Act.

3. *Establishment of Public Archives Service.*

(1) There shall be established, constituted and maintained a public department to be known as the Public Archives Service for which there shall be appointed a Chief Archivist, and such other staff as may be necessary for the purposes of this Act.

(2) The Chief Archivist shall be responsible for, and shall have charge of, the Service and of the public archives and shall take all practicable steps for the proper housing, control and preservation of all public archives and public records.

4. *Powers of Chief Archivist.*

(1) Subject to this Act and any subsidiary legislation made thereunder and to any special or general directions which may be given by the Minister, the Chief Archivist, or any officer

1. Text procured by Mr. Jeffrey R. EDE, Keeper of the Records, London.

2. *Kenya Gazette Suppl.*, No. 92 (Acts No. 13), Act No. 32 of 1965, p. 318.

of the Service authorized by him shall have power to do all such things as may be necessary or expedient for the exercise of his duties and performance of his functions under this Act, or any subsidiary legislation made thereunder, and without prejudice to the generality of the foregoing he may—

- (a) examine any public records, and advise on the care, preservation, custody and control thereof;
- (b) require the transfer to his custody of any public records which he considers should be housed in the national archives;
- (c) compile, make available and publish indices and guides to, and calendars and texts of, all public archives;
- (d) prepare publications concerning the activities of and the facilities provided by the Service;
- (e) regulate the conditions under which members of the public may inspect the public archives or use the facilities provided by the Service;
- (f) provide for the making of, and authentication of, copies of and extracts from the public archives, for use as evidence in legal proceedings or for any other purpose;
- (g) make arrangements for the separate housing of films and other records which require to be kept under special conditions;
- (h) acquire, or accept gifts or testamentary bequests or loans of, any document, book, record, or other material of any description of historical or other value, or any copy or replica thereof which he considers should be added to the public archives;
- (i) take such steps as may be necessary to acquire and have returned to Kenya any public records or records of historical value to Kenya which may have been exported from Kenya prior to the commencement of this Act;
- (j) lend, on such conditions as he considers necessary, any public archives for display at commemorative exhibitions or for other special purposes;
- (k) approve any institution, whether private or otherwise, as a place wherein may be deposited, housed or preserved either permanently or temporarily any public archives, records or records which have been declared historical records in accordance with the provisions of section 9 of this Act.

(2) It shall be the duty of every person responsible for, or having the custody of any public records to afford to the Chief Archivist or any officer of the Service authorized by him reasonable access to such public records and appropriate facilities for the examination and selection thereof, and to comply without any undue delay with any lawful directions given by the Chief Archivist or such officer, concerning the assemblage, safe keeping and preservation of such public records or of the transfer of any such public records to the national archives to form part of the public archives.

(3) Any public records required by the Chief Archivist or any officer of the Service authorized by him, to form part of the public archives, may, with the consent of, and subject to such conditions as to their care, control, and preservation as may be imposed by, the Chief Archivist, be retained by their office of origin, or may be temporarily returned thereto if required for administrative or special purposes, but for the purposes of this Act such public records shall be deemed to be and remain part of the public archives.

5. *Chief Archivist's powers in respect of public records.*

(1) Notwithstanding anything contained in this Act or any subsidiary legislation made thereunder, the Chief Archivist, or any officer of the Service authorized by him, shall not have power to examine any public records, access to which is restricted by any written law or

otherwise to a person or category of persons which does not include the Chief Archivist or such officer.

(2) Where there are transferred to the national archives any public records containing information obtained from members of the public or from other sources the disclosure of which is, in accordance with any written law prohibited or restricted to certain purposes, the Chief Archivist and all officers of the Service having access to such public records shall take such oath or make such declaration relating to secrecy (with such modifications as the circumstances require) as is required in accordance with the relevant written law to be taken or made by persons having access to such records, prior to their transfer, and every person who takes such oath or makes such declaration shall, for the purposes of any provision of such written law making punishable any disclosure in contravention of the written law, be deemed to be a person employed in carrying out the provisions of that written law.

6. *Public access to public archives.*

(1) Subject to any written law prohibiting or restricting the disclosure of information obtained from members of the public and to the provisions of this section, public archives which have been in existence for a period of not less than thirty years may be made available for public inspection and it shall be the duty of the Chief Archivist to provide reasonable facilities at such times, and on the payment of such fees as may be prescribed by regulations made under this Act, for members of the public to inspect or obtain copies of, or extracts from, such public archives.

(2) The Chief Archivist may in respect of any public archives or any category thereof certified to him by the person by whom, or in charge of the office from which, the records concerned were transferred to the national archives, that the public archives or category thereof concerned are of a kind which ought to be made available for public inspection, order that the said public archives or category thereof shall be made available for public inspection notwithstanding that they have not been in existence for thirty years.

(3) Notwithstanding the provisions of subsection (1) of this section, the Chief Archivist may, in respect of any public archives or any category thereof certified to him by the person by whom, or in charge of the office from which, the records concerned were transferred to the national archives that the said public archives or category thereof are of a kind which ought not to be made available for public inspection, order that the said public archives or category thereof shall not be available for public inspection notwithstanding that they have been in existence for more than thirty years, or shall not be available for public inspection until the expiration of such further period as may be specified in that or any subsequent order.

(4) Nothing in this section shall be construed—

- (a) as limiting any right of inspection of any public archives or any category thereof to which members of the public had access before their transfer to the national archives; or
- (b) as precluding the Chief Archivist, save to the extent provided by any such written law as is referred to in subsection (1) of this section and, in the case of public archives obtained otherwise than by transfer under the provisions of section 5 of this Act subject to the terms and conditions on which such public archives were obtained, from permitting any person authorized by him in writing to have access to any public archives or any category thereof which are specified in such written authorization.

7. *Destruction of public archives.* — Where the Chief Archivist is of the opinion that any public archives or records are duplicated, or that for some other special reason any public archives or records should not be preserved, he may, with the approval of the Minister and of such other person as the Minister considers to be primarily concerned with public archives

or records of the category in question, authorize the destruction or other disposal of such public archives or records:

Provided that nothing in this section shall empower the Chief Archivist to authorize the destruction or other disposal of any public archives or records obtained otherwise than by transfer under the provisions of section 5 of this Act, contrary to the terms or conditions on which they were obtained, or, if they were obtained by gift, during the lifetime of the donor without his consent.

8. *Offences.* — [...]

9. *Historical records, exportation prohibited.*

(1) If the Chief Archivist is satisfied that any record which is in, or was made in Kenya is of historical value to Kenya, he may, by notice in the Gazette, or by writing under his hand served on the person having the custody of such record, declare such record to be an historical record, and prohibit the export thereof from Kenya except under and in accordance with the terms and conditions of a licence issued by the Chief Archivist.

(2) A licence issued for the export from Kenya of an historical record declared as such under the provisions of this section shall contain a description of such record sufficient to identify it and may contain such terms and conditions as to the custody, use, preservation and return of the record as the Chief Archivist thinks fit.

(3) Any person aggrieved by the declaration of any record as an historical record, or by the refusal of the Chief Archivist to issue a licence for the export from Kenya of such record, or by any terms and conditions contained in a licence issued by the Chief Archivist in accordance with the provisions of this section, may appeal to the Minister whose decision thereon shall be final and shall not be questioned in any court.

(4) Any person who—

- (a) knowing any record to be declared an historical record in accordance with the provisions of this section, exports or attempts to export the same from Kenya without a licence issued by the Chief Archivist; or
- (b) contravenes or fails to comply with the terms and conditions of any licence issued to him under the provisions of this section; or
- (c) knowing any record to be declared an historical record in accordance with the provisions of this section, wilfully destroys or otherwise disposes of, defaces, mutilates or damages such record or, if he has custody of such record, fails to take all reasonable steps to preserve and protect it,

shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding five thousand shillings or to both such imprisonment and such fine.

10. *Legal validity of public archives.* — [...]

11. *Certified copies of public archives admissible as evidence.* — [...]

12. *Official seal of service.* — [...]

13. *Copyright.* — [...]

14. *Public Archives Advisory Council.*

(1) The Ministry may by regulations made under this Act establish and constitute a Council to be known as the Public Archives Advisory Council, and may, subject to the provisions of this Act provide for matters incidental to and connected with the establishment and constitution of such Council, and the functions thereof.

(2) The functions of the Public Archives Advisory Council shall be to advise the Minister on all matters relating to the location, preservation and use of public archives, access by members of the public to the public archives, and the export under licence of any public archives, public records or historical records.

15. *Regulations.* — The Minister may make regulations generally for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing may make regulations providing for—

- (a) the admission of the public to the national archives and the inspection by the public of the public archives;
- (b) the transfer of any public records to the national archives;
- (c) the responsibilities of persons having the custody of public records;
- (d) the examination, disposal or destruction of public archives and public records;
- (e) the conditions under which public archives may be reproduced, or published or extracts made therefrom;
- (f) the issuing of licences for the exportation from Kenya of public archives, public records or historical records, or the terms and conditions which may be attached to such licences; and
- (g) the fees to be paid for access to the national archives or the use of the public archives or the facilities or services provided by the Service.

16-17. — [*Amendment and revocation of former Acts.*]

SCHEDULE

Public Records

1. The records of any Ministry or Government Department, and of any commission, office, board or other body or establishment under the Government or established by or under an Act of Parliament:

Provided that nothing referred to in this paragraph shall include the records of the Public Trustee or the Registrar-General relating to individual trusts or estates.

2. The records of the High Court and of any other court or tribunal.

3. The records of Parliament and of the Electoral Commission.

4. The records of any Provincial Council, local authority or other authority established for local government purposes.

LESOTHO

Archives Act, 1967¹

1. *Short title and commencement.* — This Act may be cited as the Archives Act, 1967 [...].

2. *Interpretation.*

(1) In this Act, unless the context otherwise requires—

“Archives” means any documents or records received or created in a government office or an office of a public authority during the conduct of affairs in that office and which are from their nature or in terms of any other law not required to be dealt with otherwise than in accordance with the provision of this Act, and any documents or records acquired under section 8;

“archives depot” means any archives depot established under the provisions of section 4;

“Chief Archivist” means the Chief Archivist whose office is established by section 5;

“commission” means the Archives Commission established by section 6;

“Minister” means the Minister for the time being responsible for education and includes an Assistant Minister to the extent that he has been authorised by the Minister to perform the duties and exercise the powers of the Minister under this Act;

“prescribed” means prescribed by this Act or in regulations made thereunder;

“records” include not only written records but records conveying information by any other means whatsoever.

(2) If any question arises whether a body is a public authority, that question shall be determined by the Minister whose decision shall be final.

3. *General power and duties of the Minister in regard to archives.* — Subject to the provisions of this Act the Minister shall exercise control over the custody and care of archives.

4. *Establishment of archives depots.*

(1) The Minister may, with the approval of the Minister responsible for finance, and within the limits of funds provided by Parliament for that purpose establish archives depots at Maseru and such other places within Lesotho as he may appoint

(2) If it appears to the Minister that a place outside the archives depot affords suitable facilities for the safe-keeping and preservation of archives and their inspection by the public he may, with the agreement of the person or authority who will be responsible for archives deposited in that place, appoint it as a place of deposit as respects any class of archives selected for permanent preservation under this Act.

¹ 1. *Lesotho Government Gazette*, vol. 11, No. 50, 22 Dec. 1967, p. 1123-1132. —Text procured by Mr. Jeffrey R. EDE, Keeper of the Records, London.

(3) The Minister may at any time direct that archives shall be transferred from the archives depot to a place of deposit appointed under subsection (2) or from such place of deposit to the archives depot or another place of deposit.

5. *The Chief Archivist, his powers and duties.*

(1) There shall be a Chief Archivist whose office shall be an office in the public service.

(2) Subject to the provisions of this Act and to the directions of the Minister the Chief Archivist—

- (a) shall be charged with the custody, care and control of archives;
 - (b) shall have power to do all such things as appear to him necessary or expedient for maintaining the utility of the archives depot and may in particular—
 - (i) compile and make available indexes and guides to, and calendars and texts or archives in the archives depot;
 - (ii) prepare publications concerning the activities and facilities provided by the archives depot;
 - (iii) regulate the conditions under which members of the public may inspect archives or use the other facilities of the archives depot;
 - (iv) provide for the making and authentication of copies of or extracts from archives required as evidence in legal proceedings or for other purposes;
 - (v) make arrangements for the separate housing of films and other records which have to be kept under special conditions; and
 - (vi) lend archives, with the approval of the commission, for display at commemorative exhibitions or for other special purposes;
 - (c) may inspect or cause to be inspected any archives in so far as that inspection may be necessary for the performance of his duties under this Act;
 - (d) may advise any person charged with the custody, care or control of any archives, in regard to the custody, care and filing thereof;
 - (e) may, with the approval of the Minister, granted after consultation with the commission, by donation, exchange or otherwise dispose of any archives in the archives depot which are redundant or unsuitable for the archives depot, to any library, museum or other body;
 - (f) may on the application of any person and on payment of the prescribed fee, do any research into archives and make copies thereof or extracts therefrom for that person;
 - (g) may with the approval of the commission publish or cause to be published or authorise the publication of any archives or original sources of any thesis or other work based on a study of any archives or those sources;
 - (h) may cause any archives to be repaired or bound or otherwise dealt with as he may deem necessary for the due preservation thereof; and
 - (i) shall perform other duties in connection with archives as the Minister may direct.
- (3) Nothing in subsection (2) contained shall be construed as authorising the Chief Archivist or any person to do anything which is contrary to any law or the conditions under which any archives were acquired.

6. *Establishment, constitution and functions of Archives Commission.*

(1) There is hereby established a commission to be known as the Archives Commission.

(2) The commission shall consist of so many members, not being more than seven, as the Minister may appoint, one of whom shall be designated as chairman.

(3) The terms of office of each member shall be as prescribed.

(4) The functions of the commission shall be—

(a) to make recommendations to the Minister in regard to—

- (i) the acquisition by the Chief Archivist of documents and records in terms of section 8;
- (ii) the disposal by the Chief Archivist of any archives in terms of section 5;
- (iii) generally, all matters affecting archives; and

(b) in its discretion to grant or refuse approval for—

- (i) the destruction of archives by the Chief Archivist in terms of section 9;
- (ii) the lending of archives by the Chief Archivist in terms of section 5;
- (iii) the publication of any archives or original sources of any thesis or other work based on a study of any archives or such sources.

(5) The commission may appoint committees from amongst its members and may assign to a committee so appointed such of its functions as it may deem fit:

Provided that the commission shall not be divested of any function which it has so assigned to that committee and may amend or revoke a decision of that committee.

(6) The procedure at meetings of the commission or a committee thereof shall be as prescribed.

(7) The commission or a committee thereof may co-opt any person as an assessor member to serve on the commission or on that committee, as the case may be, in an advisory capacity.

(8) No remuneration shall be paid to members and assessor members of the commission but the Minister may within the limits of funds provided by Parliament for that purpose, pay to each member and assessor member his reasonable expenses for travelling and subsistence in respect of any period during which he is engaged on the business of the commission and in respect of any journey undertaken in connection with such business.

7. *Selection and preservation of archives.*

(1) It shall be the duty of every person charged with custody, care and control of archives of any description which are not in the archives depot to make arrangements for the selection of those archives which ought to be permanently preserved and for their safe-keeping.

(2) Every person referred to in subsection (1) shall perform his duties under this section under the guidance of the Chief Archivist and the Chief Archivist shall be responsible for co-ordinating and supervising all action taken under this section.

(3) All archives selected for permanent preservation under this section which are not in terms of any law required to be kept in the custody of a particular person, shall be transferred to the archives depot if they are thirty years old or older:

Provided that—

- (a) the Minister may at the request of any person charged with the custody, care and control of any such archives, grant permission that those archives or any portion thereof be retained by that person; and
- (b) the Chief Archivist may—
 - (i) defer the transfer of any such archives until such time as he deems fit; and
 - (ii) grant permission that any such archives which are less than thirty years old, be so transferred.

(4) Archives which, following arrangements made in pursuance of this section, have been rejected as not required for permanent preservation shall, with the approval of the Minister granted after consultation with the Commission, be destroyed or, with that approval, be disposed of in any other way.

(5) Any question as to the person whose duty it is to make arrangements under this section with respect to any class of archives shall be determined by the Minister.

8. *Acquisition of documents and records for Archives depots.*

(1) The Chief Archivist may on behalf of the government acquire by purchase or donation or on loan for a temporary period or in perpetuity, either unconditionally or subject to such conditions as may be agreed upon, any documents or records which in his opinion, have or may acquire any historical value.

(2) Subject to any conditions which may be applicable the documents and records so acquired shall be deposited in the archives depot.

(3) A person who in connection with the production of a written matter has made use of any archives, shall, if that written matter has been published or duplicated, at the request of the Chief Archivist furnish him with a copy thereof free of charge and that copy shall be deposited in the archives depot.

9. *Destruction of archives in archives depot.* — If it appears to the Chief Archivist that any archives in the archives depot are duplicated by other archives which have been selected for permanent preservation or that there is some other special reason why they should not be permanently preserved he may with the approval of the commission authorise the destruction of those archives or, with that approval, their disposal in any other way.

10. *Access to archives.*

(1) Archives, other than those to which members of the public had access immediately before the commencement of this Act, shall not be available for public inspection until they have been in existence for thirty five years or such shorter period as the Minister may for the time being prescribe as respects any particular class of archives.

(2) Without prejudice to the generality of the preceding subsection, if it appears to the Chief Archivist that any archives selected for permanent preservation under this Act, contain information which was obtained from members of the public under such conditions that the opening of those archives to the public after the period determined under the preceding subsection would or might constitute a breach of good faith on the part of the government or on the part of the persons who obtained the information, he shall inform the Minister accordingly and those archives shall not be available for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Minister may prescribe.

(3) Subject to the provisions of the preceding subsections of this section and subject to the provisions of any other law which prohibits the disclosure of information obtained from the public except for certain limited purposes (whether that law was made before or after the commencement of this Act), it shall be the duty of the Chief Archivist, to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of archives in the archives depot.

11. *Annual report by Chief Archivist.* — [...]

12. *Regulations.* — The Minister may make regulations for carrying into effect the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, he may make regulations as to—

(a) the custody, care, microfilming and filing of archives;

- (b) the inspection and destruction under this Act of archives by the Chief Archivist;
- (c) the period for which members of the commission shall hold office;
- (d) the procedure at meetings of the commission and of a committee thereof;
- (e) the rates of travelling and subsistence allowances payable to members of the commission and to assessor members, in respect of any period during which they are engaged on the business of the commission and in respect of any journey undertaken in connection with such business;
- (f) the transfer of archives from government offices or the offices of public authorities to the archives depot;
- (g) the admission of the public to the archives depot and to government offices and offices of public authorities in which archives are kept, the access to archives by the public, and the use of equipment for the making of copies of or extracts from archives;
- (h) the manner in which archives shall be handled by persons making use of them;
- (i) the tariff of fees payable for supplying copies of or extracts from archives or for research undertaken at the request of a person by the Chief Archivist, and the manner in which payment of these fees shall be made.

13. *Offences.*

(1) A person who—

- (a) wilfully damages any archives; or
- (b) otherwise than in accordance with the provision of this Act or any other law, removes or destroys any archives; or
- (c) contravenes or fails to comply with any condition of an authority granted under section 10,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(2) The Chief Archivist may refuse to allow a person convicted of an offence under subsection (1) access to any archives in an archives depot for such period as he may deem fit, subject to the right of appeal to the Minister whose decision shall be final.

MALAWI

The National Archives of Malawi still operates under the provisions of the Federation of Rhodesia and Nyasaland National Archives Act No. 4 of 1958, as amended by the Archives Enactments (Adaptations and Modifications) Regulations, 1963 (Government Notice No. 13) issued under authority of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963. The amendments made to the 1958 Federal Act are similar to those in the applied legislation which regulated the National Archives of Zambia till 1964. A new Archives Act was in course of preparation two years ago¹.

1. Informations kindly furnished by Mr. Jeffrey R. EDE, Keeper of the Records, London. — See also *infra*, p. III.

RÉPUBLIQUE MALGACHE

Arrêté du 8 mars 1967

Règlement de la consultation des documents conservés aux Archives de la République¹

ARTICLE PREMIER. — La consultation des documents conservés aux Archives de la République est soumise aux prescriptions du présent arrêté.

ART. 2. — Sont consultables en principe, sauf dérogation dûment motivée, tous les documents versés aux Archives de la République ayant plus de cinquante ans d'âge², sous réserve :

- a) que le fonds auquel ils appartiennent soit classé et inventorié ;
- b) que les documents soient marqués et foliotés ;
- c) s'il s'agit de périodiques, que ces périodiques soient reliés.

Toutefois, lorsqu'un document, quelle qu'en soit la date, paraîtra de nature à porter atteinte à l'honneur des individus ou des familles, l'administration des Archives décidera si la communication peut être faite aux particuliers. Elle appréciera aussi si les documents dont la divulgation présenterait des inconvénients au point de vue administratif peuvent être mis entre les mains du public.

ART. 3. — Les fonds d'archives communicables sont accessibles à tous les citoyens majeurs et jouissant de leurs droits civils et politiques, après constitution d'un dossier d'inscription prévu à l'article 7 ci-dessous.

ART. 4. — Les fonds d'archives communicables de la République malgache sont accessibles aux fonctionnaires et agents étrangers mis à la disposition de la République, sous réserve des formalités exigées par l'article 3 ci-dessus. Il en est de même pour les membres étrangers de sociétés savantes locales (Académie malgache, etc.).

ART. 5. — Peuvent avoir accès aux Archives de la République les étrangers, sous réserve d'une lettre de présentation d'une haute autorité scientifique malgache ou de leur pays d'origine, et d'une lettre d'introduction émanant, ou des autorités diplomatiques malgaches accréditées auprès de leur gouvernement, ou des autorités diplomatiques de leur gouvernement accréditées auprès du gouvernement malgache.

1. *Journal officiel de la République malgache*, 11 mars 1967, p. 440-441. — Texte communiqué par Mme RAZOHARINORO, chef du service des archives et de la documentation, Tananarive.

2. Le service des archives et de la documentation a proposé un modificatif à cet arrêté, pour que le délai de cinquante ans soit ramené à vingt-cinq ans, l'année 1946 ayant marqué une coupure dans l'évolution des institutions à Madagascar. Ce modificatif est sorti au *Journal officiel* du 28 août 1971, p. 1778 (arrêté n° 3171 du 24 août 1971).

ART. 6. — A titre exceptionnel, en dérogation aux dispositions de l'article 2, § 1, et en raison de recherches limitées, peuvent avoir accès aux collections de la République les étudiants ayant au moins 21 ans, régulièrement inscrits dans les établissements universitaires ou assimilés de la République. Ils devront justifier du but de leurs recherches au moyen d'une lettre émanant d'un des membres du corps professoral de leur établissement chargé de la direction desdites recherches.

ART. 7. — Le dossier, prévu à l'article 3, que tout lecteur devra constituer comportera :
— une demande d'admission en qualité de lecteur, établie sur un formulaire fourni par les Archives de la République ;
— une carte d'identité, un passeport, un extrait de naissance ou une fiche d'état civil.

Ce formulaire indiquera les nom, prénoms, titres et profession, nationalité, adresse, numéro de carte d'identité ou de passeport, et éventuellement le nom de l'organisme qui a recommandé le chercheur, le sujet de recherche et le but de la recherche (thèse de doctorat, mémoire en vue d'examen).

ART. 8. — Les conservateurs doivent mettre à la disposition du public les documents communicables qui leur sont demandés, faire connaître en outre aux chercheurs le maniement des instruments de recherche et, d'une manière générale, les faire profiter de leur expérience. Mais ils ne sont pas tenus de faire pour les intéressés les recherches qui leur incombent normalement.

ART. 9. — La communication des documents ne peut avoir lieu que dans une salle spécialement aménagée dite salle de travail, aucun document ne devant sortir du dépôt.
[Nombre des documents communicables chaque jour.]

Les lecteurs qui publieront des travaux à l'aide des documents des Archives sont invités à déposer un exemplaire, soit du volume, soit de l'article ou tirage à part, destiné à la bibliothèque des Archives.

ART. 10. — [Règlement interne de la salle de travail.]

ART. 11. — Les expéditions ou extraits de pièces conservées aux Archives ne seront délivrés que sur demande écrite. Les demandeurs devront consigner à l'avance le montant des droits à percevoir qui sont établis selon la réglementation en vigueur.

ART. 12. — Il est interdit de prendre des calques des documents topographiques et iconographiques.

ART. 13. — La reproduction photographique des documents conservés aux Archives sera effectuée, soit par le service des Archives, soit par un photographe extérieur agréé, aux frais du demandeur.

ART. 14. — Les vols et dégradations des documents seront poursuivis conformément à la loi.

ART. 15. — [Exécution.]

MALI

INTRODUCTION

La création et l'organisation des Archives dans les Etats de l'ex-Afrique occidentale française remontent à 1913. C'est en effet un arrêté du 1^{er} juillet 1913 pris par le gouverneur général William Ponty qui créa au chef-lieu de chaque colonie du gouvernement général de l'AOF un dépôt d'archives. Cet arrêté fut abrogé cinquante ans plus tard par un arrêté général du 9 juillet 1953 portant règlement des Archives de l'AOF. Les Archives nationales du Mali sont donc issues de ces législations fondamentales.

Aux termes de l'arrêté de 1953¹, toujours en vigueur et depuis lequel aucune autre disposition réglementaire n'a été mise en application, les dossiers, registres et pièces concernant les affaires traitées par les établissements, administrations et services publics étaient obligatoirement versés aux Archives centrales du Mali. Les Archives régionales versaient leurs dossiers aux Archives centrales après en avoir effectué un inventaire en présence de l'archiviste ; le délai en vigueur pour ces versements était de dix ans. Tout versement devait être annoncé au moins une semaine à l'avance par les départements ministériels, un mois à l'avance par les Archives des régions. Il était obligatoirement accompagné d'un bordereau en double exemplaire dressé par le service versant, daté et signé, comprenant autant d'articles que le versement comprenait de volumes, liasses ou dossiers, et mentionnant succinctement le contenu de chaque article ; l'une de ces expéditions était conservée aux Archives, l'autre, après vérification, était signée par l'archiviste et rendue avec mention de récépissé au service qui avait effectué le versement.

Quant aux documents de l'Administration après l'indépendance, ils ne sont pas versés aux Archives nationales pour le moment.

Grâce à ces versements, les Archives nationales du Mali sont les plus importantes des Etats de l'ex-AOF. Leurs documents, qui remontent à 1855, montrent les phases successives de l'histoire du Soudan, du Haut-Sénégal, du Niger et du Soudan français. Elles renferment la plupart des traités passés avec les anciens rois lors de la pénétration coloniale, des monographies et des études de tout genre sur les différentes régions du Mali et même de certains Etats limitrophes, tels que la Guinée, la Haute-Volta, le Niger et la Mauritanie.

La communication de ces documents a lieu sur place, les documents ne pouvant en aucun cas faire l'objet de prêts à l'extérieur, et s'effectue en deux étapes : la communication des documents de la période 1855-1946 peut être faite sans délai ; celle des documents de la période 1947-1959 peut être faite au public après un délai de dix ans, à l'exception des documents de caractère historique, économique ou social. D'autre part, le directeur de l'Institut des Sciences humaines peut, sur avis de l'archiviste, interdire la communication aux parti-

1. Publié ci-dessus, p. 42-46.

culiers de tout document, qu'elle qu'en soit la date, lorsque cette communication s'rait de nature à porter atteinte à l'honneur des individus ou des familles.

Les étrangers ne sont admis à faire des recherches dans les Archives que sur l'autorisation du ministre de l'Education nationale et du directeur de l'Institut des Sciences humaines.

Il est interdit aux établissements, administrations et services publics de livrer directement à la vente ou à la destruction des documents autres que les papiers dits « de corbeille ». La destruction avant le transfert aux Archives ne peut être effectuée qu'après examen sur place par l'archiviste, qui apprécie s'il y a lieu de livrer ces documents à la destruction ou de les verser aux Archives en vue de les conserver après triage. Aucune des pièces déjà versées aux Archives ne peut être éliminée sans le consentement du chef du service de provenance ; la suppression se fait sur proposition de l'archiviste.

Moussa NIAKATÉ,
Responsable des Archives nationales du Mali, Koulouba.

MAROC¹

Dahir du 1^{er} novembre 1926

Erection de la Bibliothèque générale en établissement public²

[Un seul article de ce dahir concerne les archives.]

ART. 9. — Les documents d'archives ordinaires des directions et services de l'administration chérifienne, ayant plus de dix ans de date, sont déposés à la Bibliothèque générale, sauf exception autorisée par décision des autorités compétentes.

Instruction du 4 décembre 1926

Application de l'article 9 du dahir du 1^{er} novembre 1926³

[...]

1. Les documents d'archives constitués par les dossiers, registres et toutes pièces manuscrites ou dactylographiées concernant les affaires traitées par les services doivent être versés au fonds des archives de la Bibliothèque générale.

2. Les documents d'archives dont le maintien à la disposition immédiate des services de l'Administration chérifienne n'est pas justifié par la nécessité d'une consultation habituelle sont versés périodiquement au fonds des archives de la Bibliothèque générale. Suivant les indications du service d'origine, ces documents sont déposés pour être conservés et tenus à la disposition des services administratifs intéressés, ou bien pour être incorporés au fonds des archives, ou bien pour être détruits.

3. Il est interdit de livrer au service des Domaines, sans l'accord préalable du conservateur de la Bibliothèque générale, les documents d'archives définis au paragraphe premier

1. Textes communiqués par M. Mohamed WAKILI, directeur des Bibliothèques, Archives et Manuscrits, Rabat. — Les textes relatifs aux archives sont tous antérieurs à l'acte d'indépendance, qui a, en fait, rendu caduque la législation promulguée sous le Protectorat. Une nouvelle législation est à l'étude.

2. *Bulletin officiel*, 14 décembre 1926, p. 2338.

3. Ce texte n'a pas été publié au *Bulletin officiel*.

ci-dessus. Seuls les papiers non enregistrés, dits « de corbeille », peuvent leur être livrés pour être vendus ou mis au pilon.

4. Aucune des pièces versées aux archives de la Bibliothèque générale ne peut être détruite sans le consentement du service d'où elle provient.

5. Les dossiers versés au fonds des archives sont préalablement classés ; ils sont accompagnés lors de leur envoi d'un bordereau établi en deux exemplaires.

L'un de ces exemplaires est renvoyé à l'Administration opérant le versement à titre de décharge ; il est revêtu de la signature du conservateur de la Bibliothèque générale ou de l'archiviste compétent.

6. Les documents versés aux archives de la Bibliothèque générale par ces services leur sont communiqués dans le plus bref délai quand ils en expriment le besoin.

Ces documents peuvent, sur leur demande, être restitués contre récépissé.

7. Le conservateur de la Bibliothèque générale est chargé d'accréditer annuellement auprès des services de l'Administration chérifienne un fonctionnaire nommé désigné qui vérifie sur place les documents destinés à la vente ou à la mise au pilon et prépare, en accord avec le chef de service qualifié, le versement des documents.

8. Dans le cas où un service serait supprimé ou serait remplacé par un service qui ne recueillerait pas ses archives, celles-ci seront déposées aux archives de la Bibliothèque générale.

9. Les directions et les services ne peuvent être dispensés du versement ou du dépôt de leurs archives à la Bibliothèque générale que sur décision des autorités compétentes.

MAURICE¹

Archives Ordinance, 1952²

1. *Short title.* — This Ordinance may be cited as the Archives Ordinance, 1952.

PART I

The Archives Department

2. *Definitions.* — In this part of this Ordinance, unless the context otherwise requires,—

“Public Archives” means formal documents, papers, registers, minutes, files, letters, manuscript volumes, collections of manuscripts, diaries, accounts, statistical material, card files, blue prints, judgments, title deeds, maps, plans, drawings, pictures, seals, stamps, coins, newspapers, posters, public announcements, proclamations, photocopies, negatives and positives of still pictures, films and sound recordings, lists of such archival material and other archival finding aids as well as other documents of all kinds that have historical enduring value or are otherwise of public interest which have already been, or which may, after the commencement of this Ordinance, be transferred to, deposited in or acquired by the Archives Department, or which are the property of Government Departments, local governments or other public corporations, institutions or organisations.

“Book” means every volume, part or division of a volume, pamphlet or broadside printed, engraved or lithographed in any language and every sheet of music, map, chart, or plan separately printed, engraved or otherwise processed and published; but shall not include any publication which consists merely of a price list, sale catalogue, annual report, trade circular or trade advertisement.

3. *The Archives Department.* — The Archives Department shall be the central repository of public archives.

1. Texts procured by Mr. H. ADOLPHE, Acting Chief Archivist, Archives Department, Mauritius.

2. *The Government Gazette of the Colony of Mauritius*, No. 94, 31 December 1952. Text as modified by Ordinance No. 73 of 1953 (*ibid.*, No. 62, 16 October 1953).

4. *Administration.* — The Archives Department shall be administered by an officer who shall be styled the Chief Archivist.

5. *Duties of the Chief Archivist.* — The Chief Archivist shall have the care, control and custody of public archives and it shall be his duty—

- 1) to ensure the physical protection of all public archives entrusted to his care and to make them available to the public for research purposes;
- 2) to inspect regularly within office hours and after due notice has been given the public archives lying in repositories other than the Archives Department;
- 3) to collect information relative to any document of public interest with a view to the compilation of a comprehensive record of public archives.

6. *Assistant Archivist.* — The Chief Archivist shall be assisted in his duties by an officer who shall be styled the Assistant Archivist.

7. *Public bodies to draw up inventory of their public archives.* — Every Government Department, local government or other public corporation, institution or organisation having in its custody public archives shall, within one year of the coming into force of this Ordinance, draw up and deposit at the Archives Department an inventory of such public archives.

Such public archives shall be kept with a view to ensuring their proper preservation with the advice of the Chief Archivist and they shall be made available for inspection by the Chief Archivist at any time by arrangement.

8. *Five copies of all books to be delivered to the Chief Archivist within a month of being printed.* — [...]

9. *Receipt for copies.* — [...]

10. *Disposal of the five copies.* — [...]

11. *Printer and publisher to keep register of books.* — [...]

12. *Notice to be given to the Chief Archivist by printer, publisher, or editor.* — [...]

13. *Registration of memoranda of books.* — [...]

14. *Publication of memoranda registered.* — [...]

15. *Specimens to be deposited in the Archives Department.* — The following specimens shall be deposited regularly in the Archives Department, free of charge—

- 1) one copy of every issue ordinary, extraordinary or special of every newspaper, periodical or other serial publication in any language offered for sale to the public shall be deposited by the publisher or editor thereof within 24 hours of its publication, failing which the said publisher or editor shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding Rs. 50.—in respect of every issue not deposited;
- 2) one copy of all price lists, sale catalogues, annual reports or trade circulars;
- 3) a specimen of every issue of Mauritian postage stamps shall be deposited by the Postmaster General within one month of the coming out of the issue with an official statement containing the history and purpose of the issue;

4) a specimen of every issue of currency notes and coins shall be deposited by the Accountant General within one month of the coming out of the issue with an official statement containing the history and purpose of the issue;

5) one certified copy of the minutes of proceedings of the Municipality and of every town council, district council and village council shall be deposited by the Town Clerk and secretaries of the Municipality and of the said councils respectively within one month of their adoption;

6) one certified copy of the Supreme Court records of all matters dealing with property which is *du domaine public* shall be deposited by the Master and Registrar of the said court within one week of the judgment;

7) repertories of memoranda of survey drawn up during any year by Sworn Land Surveyors shall be deposited by every such surveyor on or before the 31st January of the following year;

8) any other records which the Governor may from time to time by regulations made under this Ordinance direct to be deposited in the Archives Department.

16. *Civil Status register 100 years old to be deposited in Archives Department.* — [Repealed by Ordinance No. 13 of 1963.]

17. *Certain private documents may be deposited in Archives Department.* — Any person may deposit either temporarily or permanently in the Archives Department any private documents, provided the Chief Archivist considers such document to be of sufficient archival value.

18. *Acquisition of other records.* — The Chief Archivist may acquire by contract or testamentary bequest or otherwise all such original records, documents or other historical material or copies or replicas thereof as he may deem necessary or desirable to secure for the Archives Department, and he may pay for them or for the transcribing, binding and repairing thereof out of such moneys as are voted by the Legislative Council.

19. *Curator of Vacant Estates to inform Chief Archivist when archival material vests in him.*

(1) Whenever the Curator of Vacant Estates on taking possession of any property that is by law vested in him shall have ground to believe that any such property contains a document that constitutes a record of historical or public interest, he shall immediately inform the Chief Archivist of the fact.

(2) The Chief Archivist may then, if he considers it desirable, obtain the Governor's authority to have such document or record transferred to the Archives Department, subject to such compensation as the Minister may, after due appraisalment by a government valuer, order to be paid over to the estate vested in the Curator of Vacant Estates out of such moneys as are voted by the Legislative Council.

20. *Sworn Auctioneer to inform Chief Archivist when archival material put up for sale.*

(1) Whenever any Sworn Auctioneer shall put up for sale as such any property purporting to be a record of historical value or of public interest he shall notify the Chief Archivist in writing of such sale at least seven clear days prior to the sale.

(2) The Chief Archivist may then, if he deems it necessary, purchase the property directly from the seller or by bidding at the auction sale or subsequently from the adjudicatee and may pay the purchase price out of such moneys as are voted by the Legislative Council.

PART II

The Archives Publication Fund

27. *Definitions.* — In this part of this Ordinance—
“The Committee” means the Committee of Management of the Archives Publication Fund.
“The Fund” means the Archives Publication Fund.

28. *Establishment and management of Fund.*

(1) There shall be established an Archives Publication Fund which shall be administered and controlled by a committee of management.

(2) The purpose of the Fund shall be the financing of the costs of publishing archival documents either for sale to the public or for presentation to archival centres.

29. *Composition of Committee.* — The Committee shall consist of five members to be appointed by the Minister.

30. *Office Bearers.*

(1) The Chief Archivist shall be the chairman of the Committee.

(2) The Committee shall elect a vice-chairman, a secretary and a treasurer from among its members.

31. *Committee to be a body corporate.* — [...]

32. *Donations, legacies, etc.* — The Committee may, through their chairman, without complying with article 910 of the Civil Code, but subject otherwise to the law of the Colony, accept and receive donations *inter vivos* and legacies for payment into the Fund:

Provided that such donations *inter vivos* and legacies shall not be liable to any duty.

33. *Payment into fund.* — [...]

34. *Accounts.* — [...]

35. *Regulations.*

(1) It shall be lawful for the Committee to make regulations—

(a) for the publication of—

- (i) a pictorial series of maps, charts and albums;
- (ii) a series of guides for research work;
- (iii) a series of historical documents;

(b) for the proper care and management of the Fund, and

(c) generally for carrying out the purposes of this part of this Ordinance.

(2) All such regulations shall be laid on the table of the Council.

36. *Repeals.* — [...]

21. *Public Archives to be made accessible to the public.*

(1) The Public Archives in the Archives Department shall, subject to regulations, be made accessible to the public in the search room of the Archives Department, provided that the Chief Archivist may, in his discretion, withhold access to any particular document, subject always to the right of the person aggrieved to appeal to the Governor.

(2) Nothing in the above subsection shall affect the power of any competent court or Judge in Chambers to order the production of any document in any proceeding instituted before such court or Judge in Chambers.

22. *Archivist may deliver copies of Public Archives.* — The Chief Archivist may deliver copies or replicas or extracts authenticated by him of such public archives as are in his custody in the Archives Department in accordance with regulations made under this Ordinance.

23. *Minister may exempt certain persons from payment of fees.* — The Minister may authorise any person engaged in the pursuit of historical studies to make searches and obtain copies or replicas of any necessary documents for purposes of historical or public interest free of charge.

24. *Regulations.*

(1) The Governor may make regulations providing for—

- (a) the admission of the public to the Archives Department and for the care and management of the department;
 - (b) the steps to be taken for the examination, disposal or destruction of any public archives which are not of sufficient value to justify their preservation;
 - (c) the transfer of any public archives from the custody of any Government Department, local government or public corporation, institution or organisation to the Archives Department;
 - (d) the conditions under which unofficial bodies and private persons may deposit records in the Archives Department;
 - (e) the fees and duties to be paid for making use of the public archives and for obtaining copies or replicas thereof;
 - (f) the publication of any public archives in the interests of historical research;
 - (g) generally for better carrying out the purposes of this part of this Ordinance.
- (2) Such regulations may provide for penalties not exceeding one hundred rupees.
- (3) Such regulations shall be laid on the Table of the Council.

25. *Penalty.* — Any person failing to comply with, or acting in contravention of, the provisions of sections 8, 11, 15 (2) or 20 of this part shall be guilty of an offence and liable to a fine not exceeding one hundred rupees.

26. *Part I of this Ordinance to apply to the Dependencies.* — [...]

Archives Regulations¹

1. — These Regulations may be cited as the Archives Regulations, 1953.

PART I

Public use of archives

- 2-14. — [Rules for consultation of records and indexes in the Search Room of the Archives Department.]

PART II

Disposal and destruction of Public records

15. — In this part of these regulations unless the context otherwise requires—
“Public Body” means any of the public bodies mentioned in section 7 of the Archives Ordinance, 1952.
“Responsible Authority” means in the case of a Government Department, the Head of the Department; in the case of local governments, the Chairman or Mayor, as the case may be, and in the case of public corporations, institutions or organisations, the President or Chairman as the case may be.
16. — Whenever the Responsible Authority of a Public Body is of opinion that any public records which are or will be in its custody ought to be destroyed either immediately or after a given period on the grounds that they are not of sufficient public value to justify their preservation in the Archives Department, he shall prepare a list of all such records in the form of the Second Schedule to these Regulations, and shall forward it to the Chief Archivist.
17. — (1) A Committee to be known as the Public Archives Records Committee is hereby constituted and appointed. It shall consist of the Chief Archivist, the Director of Audit or the Senior Auditor, the Director of Statistics or the Assistant Director of Statistics, and a law officer of the Crown deputed by the Procureur General.
(2) The Chief Archivist shall be Chairman and convenor of the Committee.
(3) The Committee may, subject to the approval of the Governor, make rules for the conduct of its proceedings and the proper disposal of its business, and may at any time alter, amend, vary or revoke the same as occasion may require.
(4) The Committee shall sit at such times and at such places as its Chairman shall appoint.
18. — (1) The Chairman shall lay before the committee for its consideration every list prepared under Regulation 16 of these Regulations and the Committee shall consider the

same and record its opinion as to whether the public records referred to therein ought to be destroyed or not and, if not, as to the manner of their disposal.

(2) The Committee shall enter the effect of its opinion on any list submitted in the form of the Second Schedule to these Regulations and shall forward such list to the Governor, with its recommendation thereon for his decision.

19. — If the Governor decides that the public records specified in any such list or in any of them ought to be destroyed, he shall cause a Notice to be published in the *Gazette* containing:—

- (a) a summarized description of such public records;
- (b) a statement that it is proposed to destroy them after the expiration of thirty days from the date of the publication of the Notice;
- (c) a statement that copies of any list of such records are open to public inspection at the Archives Department;
- (d) a statement that any person may submit to the Governor, through the Chief Archivist, written objections to the destruction of such public archives, or any of them, but that such written objections must reach the Archives Office before the expiration of the said period of thirty days, or will be disregarded.

20. — If any written objections are received by the Chief Archivist he shall forthwith transmit them to the Governor who shall give his decision thereon, which shall be final, and pending his decision such public records shall not be destroyed.

21. — (1) If in any case the Governor's decision is that such public records, or any of them shall be destroyed, the Responsible Authority concerned shall cause such public records to be completely destroyed by burning in the presence of a responsible officer deputed by him, and such officer shall certify to the Chief Archivist that such public records have been destroyed in the form of the Third Schedule to these Regulations.

(2) If in any case the Governor's decision is that such public records shall not be destroyed they shall be otherwise disposed of in such manner as he may direct, or if he gives no directions, in such manner as the Chief Archivist may direct.

22. — (1) No person shall destroy any public records except in pursuance of a decision of the Governor under these Regulations.

(2) No person shall mutilate, damage or in any way tamper with any public records except as aforesaid.

(3) Any person acting in breach of this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding 100 rupees.

23. — (1) The Chief Archivist may request the Head of a Government Department to transfer any public archives in his custody to the Archives Office, in any of the following cases:—

- (a) if such public archives are of the age of fifteen years or upwards and are no longer required for official purposes;
- (b) if such public archives are the records of a Government Department or section of a Government Department which has ceased to exist, and are not required by any other department;
- (c) if such public archives are the records of a commission, committee, board of enquiry or similar body specially appointed by the Governor, which has ceased to exist.

¹ Government Gazette of the Colony of Mauritius, No. 5, 17 January 1953. Text as modified by Government Notice No. 67 of 1957 (*ibid.*, No. 61, 16 November 1957).

(2) When the Chief Archivist requests the transfer of any public archives to the Archives Office he shall cause his request to be notified through the Colonial Secretary to the Head of any Government Department in whose custody such public records may lie and such Head of Department shall cause the same to be forwarded to the Archives Office accompanied by an inventory in duplicate giving full particulars of such public archives.

(3) No public archives shall be transferred from their place of custody at the date of commencement of these Regulations save with the consent or at the request of the Chief Archivist.

24. — Whenever the Public Records Destruction Committee is assembled to examine and make recommendations as to the disposal of public archives in the custody of a public body, the Responsible Authority of such public body shall be represented.

SCHEDULES

1. — [Table of fees chargeable for work done for, and copies or replicas supplied to the public.]

2. — [Schedule for list of public records desired to be preserved or destroyed.]

3. — [Schedule for certificate of destruction.]

Notaries (Amendment) Ordinance, 1955¹

[This Ordinance, amending the Notaries Ordinance of 1942², contains two sections of interest for Archives].

8. *Safekeeping of original deeds.*

(1) Subject to the provisions of subsection (3) of this section, every notary shall keep original deeds drawn up by him as well as those handed over to him in accordance with the provisions of this Ordinance in a building the walls of which shall be in masonry or brick.

(2) The Chief Archivist may, by arrangement with any notary, visit the office of that notary and suggest measures to be taken for the physical protection of the notary's deeds.

(3) (a) On or before the 15th of October in the year 1956 and in every subsequent year every notary shall deposit with the Chief Archivist for safekeeping all the original deeds in his possession drawn up during the calendar year preceeding by sixty years the year during which the deposit aforesaid shall be made, together with indexes and summaries, if any, relating to the said original deeds or, in the absence of such indexes and summaries, together with a list of the deeds so deposited [...].

(b) The Chief Archivist shall give a receipt to every notary who deposits with him in virtue of the provisions of this subsection any original deeds, including indexes and summaries relating thereto. [...]

(d) When and as often as any original deed which should have been deposited or which is required in due course to be deposited with the Chief Archivist for safekeeping

under the provisions of this Ordinance is missing or untraceable, and the duplicate of such deed is available at the Chief Archivist's office, the Chief Archivist shall replace the missing or untraceable original by such duplicate deed.

(4) Any notary who fails to comply with the provisions of subsection (1) or with paragraph (a) or paragraph (c) of subsection (3) of this section shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding 500 rupees.

12. *Copies of summaries to be deposited with Chief Archivist.*

(1) Every notary shall once in every three months deposit with the Chief Archivist a copy of his summary concerning deeds drawn up by him during the preceding three months. Such summaries shall be deposited not later than the 20th January, 20th April, 20th July and 20th October in each year in respect of each period of three months.

(2) The Chief Archivist shall give to the notary who deposits a copy of his summary with him under this section a receipt for the same.

(3) Any notary who fails to comply with subsection (1) of this section shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty rupees.

1. Notaries (Amendment) Ordinance No. 11 (*The Government Gazette of the Colony of Mauritius*, No. 39, 6 July 1955).

2. Notaries Ordinance No. 28 (*ibid.*, No. 123, 7 November 1942).

MAURITANIE

INTRODUCTION

Par arrêté n° 73 du 26 janvier 1944, le service des archives de Mauritanie fut confié par l'administration coloniale à l'Institut français d'Afrique noire, actuellement Institut fondamental d'Afrique noire. Ce texte fut abrogé par l'arrêté local n° 61 du 25 février 1955, qui établit un dépôt d'archives autonomes du gouvernement de Mauritanie. Les attributions et le fonctionnement de ce dépôt furent définis par l'arrêté général n° 5065 du 9 juillet 1953 portant règlement général des Archives de l'AOF (Afrique occidentale française).

C'est à partir de l'arrêté n° 278/AR, pris le 15 juillet 1958 par le premier ministre de Mauritanie, que la création et l'organisation d'un service des archives ont vu le jour. Ce texte divisait le service des archives en deux sections : la section des archives, et la section de la bibliothèque et de la documentation administrative. Les archives ont relevé successivement de la vice-présidence, puis du ministre de la Justice et de l'Intérieur à la Présidence de la République.

Depuis 1966, date de leur transfert de l'ancien chef-lieu (Saint-Louis) de Mauritanie à la nouvelle capitale (Nouakchott), les Archives sont dirigées par un citoyen mauritanien, qui a succédé à un étranger, M. Dadzie, agent technique de l'Institut fondamental d'Afrique noire.

Le décret 68294 du 15 octobre 1968¹ a érigé le service en une Direction, comprenant deux services et quatre divisions, tout en maintenant son rattachement à la Présidence de la République (Secrétariat général de la Présidence de la République). Il créait également une Commission consultative des Archives et instituait un dépôt administratif des publications officielles ; il prévoyait enfin un cadre de classement du type centé-décimal, qui devait être distribué à toutes les administrations de l'Etat et contrôlé par la Direction des Archives nationales.

Silly Bano DIABIRA,
Chef du service des Archives nationales, Nouakchott.

1. *Infra*, p. 94-97.

Décret du 15 octobre 1968

**Création et organisation de la Direction des Archives nationales
et d'une Commission consultative des Archives
et institution d'un dépôt administratif des publications officielles¹**

TITRE I

Création et organisation de la Direction des Archives nationales

ARTICLE PREMIER. — Il est créé une Direction des Archives nationales. Cette Direction relève du Secrétariat général de la Présidence de la République.

ART. 2. — La Direction des Archives nationales comprend :

1^o un service des Archives, qui se compose de deux divisions :

- a) une division technique (reliure, microfilm, mécanographie...);
- b) une division de la recherche et des instruments de travail (inventaires, répertoires, catalogues, fichiers...).

2^o un service de la documentation administrative et historique, composé de :

- a) une division de la bibliothèque et du centre de documentation ;
- b) une division des périodiques.

ART. 3. — Le directeur des Archives nationales est chargé :

- a) de traiter toutes les questions intéressant les archives et notamment de conserver, classer, répertorier, communiquer et utiliser à des fins administratives et historiques les documents versés, déposés ou réintégrés par ses soins aux Archives nationales ;
- b) de gérer la bibliothèque administrative et historique complémentaire des Archives et de tenir des dossiers de documentation administrative ;
- c) de contrôler les Archives régionales et départementales.

ART. 4. — Le directeur des Archives nationales établit et signe les expéditions authentiques. Il peut être envoyé en mission auprès d'organismes privés, afin de négocier le versement ou le dépôt de leurs documents aux Archives nationales.

ART. 5. — Le directeur des Archives nationales est le conseiller technique des ministères, des établissements et services publics et semi-publics en matière d'archives et de documentation administrative, y compris les normes et méthodes de travail et l'aménagement des locaux.

ART. 6. — Les documents provenant de la Présidence de la République, des ministères, des régions, des départements ou de tout autre organisme de l'Etat sont imprescriptibles et inaliénables.

ART. 7. — Les documents visés ci-dessus, à partir du moment où ils sont reconnus inutiles à l'expédition des affaires courantes, sont versés annuellement aux Archives nationales.

ART. 8. — Tout versement est annoncé deux semaines à l'avance par le service qui l'effectue. Il est obligatoirement accompagné d'un bordereau en double exemplaire dressé par le service versant, daté et signé, comprenant autant d'articles que le versement comprend

de dossiers, registres, pièces, mentionnant succinctement le contenu et la date de chaque article. L'une de ces expéditions est conservée aux Archives nationales, l'autre, après vérification, est rendue avec mention de récépissé au service qui fait le versement.

ART. 9. — Le délai au terme duquel les documents sont estimés ne plus devoir être utiles à l'expédition des affaires courantes est de cinq ans à partir de la fermeture du registre ou dossier.

ART. 10. — Dans tous les cas où un ministère, un service ou un bureau vient à disparaître, ses papiers, s'ils ne sont pas recueillis par l'administration ou le service qui lui succède, sont obligatoirement versés sans délai aux Archives nationales.

ART. 11. — La Direction des Archives nationales peut acquérir, par voie d'achat, des documents concernant la Mauritanie et mis en vente publique ou offerts par les librairies ou les particuliers, conformément aux règles établies pour ces transactions. Elle bénéficie des dons de cette nature faits à l'Etat.

ART. 12. — Elle peut recevoir en dépôt de la part des particuliers, associations, sociétés ou entreprises, tous documents, collections ou fonds d'archives, sous réserve d'un contrat de dépôt où sont libellées les conditions de conservation et de communication desdits documents, qui demeurent la propriété du particulier ou groupement déposant.

ART. 13. — Les documents conservés aux Archives nationales et dans les Archives des régions et des départements ou de tout autre organisme officiel sont classés d'après un cadre de classement numérique du type centé-décimal, distribué et contrôlé par la Direction des Archives nationales. Ce cadre de classement sera établi par arrêté du Président de la République¹.

ART. 14. — Sans le visa des Archives nationales, il est interdit aux ministères, aux régions et aux départements et à tout autre organisme public et semi-public, de détruire des documents autres que les papiers dits « de corbeille ».

ART. 15. — Lorsque les documents devant normalement être versés aux Archives nationales sont signalés par les ministères, service ou bureau comme pouvant être détruits, la destruction avant le transfert aux Archives nationales ne peut être effectuée qu'après examen sur place par la Direction des Archives nationales, qui apprécie s'il y a lieu de détruire ces documents ou de les verser aux Archives nationales en vue de les conserver en tout ou en partie après triage.

ART. 16. — Aucune des pièces déjà versées aux Archives nationales ne peut être éliminée sans le consentement des ministères, service ou bureau d'où elles proviennent.

ART. 17. — Sont à conserver définitivement :

- tous les documents antérieurs à 1960 ;
- toutes les pièces qui peuvent servir à établir un droit ;
- tous les documents qui présentent ou peuvent acquérir un intérêt historique.

ART. 18. — Peuvent être supprimés, en principe, après un délai déterminé :

- a) les documents dont les données essentielles se trouvent dans un autre document récapitulatif, surtout si ce document récapitulatif a été imprimé ;
- b) les documents qui ne présentent qu'un intérêt temporaire, lorsque le temps pendant lequel ils pouvaient être utiles est écoulé.

1. *Journal officiel de la République islamique de Mauritanie*, n° 246, 15 janvier 1969, p. 12-13.

1. Ce cadre de classement a été établi, mais n'a pas été entériné officiellement.

ART. 19. — Les documents dont la suppression a été autorisée seront, s'ils sont vendus, déchirés et brassés avant la livraison à l'acquéreur, en présence d'un fonctionnaire responsable qui dressera un procès-verbal.

ART. 20. — Les documents versés aux Archives nationales peuvent être librement communiqués au public lorsqu'ils ont cinquante ans de date. Toutefois le Président de la République peut autoriser la communication au public de documents quelle qu'en soit la date. Il peut aussi interdire la communication aux particuliers de tout document, quelle qu'en soit la date, lorsque cette communication paraîtrait de nature à porter atteinte à l'honneur des individus ou des familles, ou lorsqu'elle présenterait des inconvénients au point de vue administratif.

ART. 21. — Les documents déposés ou donnés sous réserve aux Archives nationales ne sont communiqués que dans les conditions indiquées par les déposants ou donateurs.

ART. 22. — La communication des documents non communicables au public peut se faire en faveur des services, sur autorisation du secrétaire général de la Présidence de la République.

ART. 23. — L'autorisation de photographier les documents communicables peut être accordée par le directeur des Archives nationales ; dans ce cas, deux épreuves des clichés photographiques devront être déposées aux Archives nationales.

ART. 24. — Il est interdit à quiconque, particulier ou administration, de constituer des collections de documents originaux provenant des Archives nationales. Tout vol, détournement, détérioration ou destruction illégale d'archives sera puni, conformément à la loi.

TITRE II

Création d'une Commission consultative des Archives nationales

ART. 25. — Il est créé une Commission consultative des Archives nationales.

ART. 26. — La Commission consultative des Archives nationales est présidée par le directeur des Archives nationales ; elle est composée de :

- un représentant de chaque ministère nommé par le ministre ;
- un représentant de la permanence du Parti du peuple mauritanien ;
- un représentant de la Présidence de la République.

Le Secrétariat est assuré par la Direction des Archives.

ART. 27. — La Commission consultative des Archives nationales se réunit une fois tous les trois mois, ou plus s'il en est besoin.

ART. 28. — La Commission consultative des Archives nationales peut être saisie de toute question intéressant soit les Archives nationales, soit celles des régions et des départements.

ART. 29. — Les recommandations préparées par cette Commission sont transmises aux organismes intéressés qui peuvent alors soumettre par écrit des suggestions à l'étude de la Commission.

ART. 30. — Les fonctions des membres de la Commission consultative des Archives nationales ne donnent lieu à aucune rémunération spéciale.

ART. 31. — Cette Commission consultative établit elle-même ses règlements et normes de travail en tenant compte du présent décret.

TITRE III

Institution d'un dépôt administratif des publications officielles

ART. 32. — Est institué le dépôt administratif de tout écrit à caractère officiel reproduit par l'imprimerie ou par d'autres moyens mécaniques ou chimiques, édités et mis en vente ou en distribution par les pouvoirs publics, établissements et services publics et semi-publics, par les cours et juridictions, les assemblées représentatives élues de l'Etat et les collectivités publiques.

ART. 33. — Les publications officielles émanant d'un organisme à caractère national sont versées en double exemplaire aux Archives nationales à Nouakchott. Les publications officielles émanant d'un organisme à caractère régional sont versées en trois exemplaires, l'un à la circonscription administrative dans le ressort de laquelle l'organisme dont il s'agit a son siège, et les deux autres aux Archives nationales.

ART. 34. — Le versement des publications officielles est effectué par les soins du service ou de l'organisme éditeur, préalablement à la mise en vente ou à la distribution.

ART. 35. — Toutefois les obligations dévolues au service ou à l'organisme éditeur par l'article 34 sont transférées à l'organisme imprimeur lorsque celui-ci est l'imprimerie officielle du gouvernement. En ce cas, le versement est fait dès achèvement du tirage.

ART. 36. — Par « écrit à caractère officiel » visé à l'article 32, il faut entendre, entre autres, les journaux officiels, les annuaires, les communiqués, les circulaires, les décisions, les cartes, les arrêtés, les décrets, les lois, les brochures de documentation, les plans, les gravures, les rapports, les études et les revues d'information.

ART. 37. — Le versement des publications officielles aux Archives nationales, institué par le présent décret, ne se confond pas avec le dépôt légal prévu par la loi 63109 du 27 juin 1963 portant statut de la publication et organisation de ce dépôt, modifiée par la loi 63229 du 19 décembre 1963.

TITRE IV

Dispositions générales

ART. 38-39. — [Clause abrogatoire. Exécution.]

NIGERIA

INTRODUCTION

The National Archives (then Nigerian Record Office) became a department of State on 1st April 1954 after Dr. Dike's report on the establishment of a Public Record Office in Nigeria was accepted and published as Government sessional paper. Action was initiated two months later on the question of archive legislation first, by the appointment of an Archives Committee. At the meeting of the Committee held on January 18, 1956, the urgent need for an Archive legislation was realised for without it "the powers of the Supervisor of Public Records can only be persuasive", nor could searchers be admitted to the departmental repositories for the purpose of consulting the records". A sub-committee to draft the Ordinance was appointed at that meeting under the chairmanship of the Chief Justice of the Federation and with Dr. Dike as Secretary. In June 1956, Dr. Dike, then Supervisor of Public Records, submitted proposals for drafting the projected ordinance to the Chief Justice who finally prepared the ordinance. After comments by Archivists and views of the Regional Governments on its provisions were sought, the Archive Ordinance was laid before the House of Representatives on 2nd September 1957. It was passed without any difficulty. The Public Archives Bill received the royal assent on November 1, 1957¹.

The bill did not give compulsive powers over departmental records to the Director but merely accorded him the power to examine some public archives and to tender advice as to their « care, custody and control ». It also provided for the appointment of the National Archives Committee made up of nine members whose functions among others shall be "to advise the Minister on all matters of Archives; to examine the requests of public offices for the destruction or deposition of Archives". Membership of this Committee was enlarged to fifteen by the Public Archives (Amendment) Act No. 6 of 1960. There was a further amendment in 1969—Public Archives (Amendment) Decree No. 20 of 1969—which further enlarged the composition of the members to twenty-one and reduced to two the composition of persons versed in Arabic Studies.

The bill also prohibits the exportation from Nigeria of documents which are Archives.

A. O. EVBOROKHAI,
*Archivist in-charge of Federal Government Records Section,
National Archives Headquarters, Ibadan.*

1. *Infra*, p. 100-102.

Public Archives Ordinance, 1957¹

1. *Short title and application.* — This Ordinance may be cited as the Public Archives Ordinance, 1957, and shall apply throughout the Federation.

2. *Interpretation.* — In this Ordinance, unless the context otherwise requires, “archives” means all public records, documents and other historical matter of every kind, nature and description which are in the custody of any public office or which may after the commencement of this Ordinance be transferred to or acquired by the National Archives of Nigeria, other than

(a) the public records of the Governments of the Northern Region, the Western Region and the Eastern Region established by the Nigeria (Constitution) Order in Council, 1951, relating to the period between the 23rd day of January, 1952, and the 30th day of September, 1954, and

(b) the public records of the Governments of the Northern Region, the Western Region, the Eastern Region and the Southern Cameroons relating to the period subsequent to the 30th day of September, 1954;

“Director” means the Director of Federal Archives appointed under the provisions of section 3;

“Minister” means the member of the Council of Ministers charged with responsibility for archives;

“public office” means a Ministry or Department of the Government of the Federation or of a Region or of the Southern Cameroons, the Federal Supreme Court, the High Courts of the Regions, Lagos and the Southern Cameroons, the office of any body incorporated directly by the legislature of the Federation, the office of any native authority or local government council, the office of any town council, local authority or other authority constituted, under whatever name, for purposes of local government, and the office of any native court or customary court.

3. *Establishment of National Archives of Nigeria.*

(1) There shall be established an archives office with so many branches as may be deemed necessary or convenient, to be called the National Archives of Nigeria, wherein shall be stored for better preservation such of the archives, which have sufficient historical or other value to warrant their continued preservation by the Federal Government, as are transferred thereto or acquired by the Director under this Ordinance.

(2) There shall be a Director of Federal Archives who shall be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers to the public service of the Federation and who, under the direction of the Minister, shall make provision for the custody, preservation, arrangement, repair and rehabilitation, and for such duplication and reproduction, description and exhibition of archives transferred to him as may be necessary or appropriate, including the preparation and publication of inventories, indexes, catalogues and other finding aids or guides facilitating their use.

(3) The staff of the office shall consist of such other officers, clerks and employees as may be appointed in accordance with the provisions of the law for the time being in force relating to the appointment of officers to the public service of the Federation.

1. Supplement to the *Official Gazette of Federation of Nigeria*, No. 62, vol. 44, 14th November 1957, p. A149.

4. *Examination of Government records and transfer to the National Archives of Nigeria.*

(1) The Director and any officer of the Department of Federal Archives authorised by him shall have power to examine any archives which are in the custody of any public office, and shall advise such office as to the care, custody and control thereof: Provided that this subsection shall not empower the Director, or an officer authorised by him, to examine any archives relating to matters which, by statute or otherwise, are forbidden to be communicated to him.

(2) The archives which are in the custody of any public office shall be transferred periodically to the National Archives in accordance with regulations made under the provisions of this Ordinance.

5. *Acquisition of other records.* — The Director, with the approval of the Minister, may by contract, testamentary bequest or in other similar manner acquire all such original records, documents and other historical material or copies or replicas thereof as he may deem necessary or desirable to secure for the National Archives, and he may pay for them or for the transcribing, binding and repairing thereof out of such funds as are voted by the House of Representatives for that purpose.

6. *Archives to be open to public inspection.*

(1) The Director, with the approval of the Minister, and subject to any regulations made under this Ordinance, shall make such provision and maintain such facilities as he deems necessary or desirable for the purposes set out in subsection (2) of this section in relation to records and other materials in the National Archives that are not exempt from examination by statutory provisions or other restrictions.

(2) The purposes referred to in subsection (1) of this section shall be to make available for use, to the Government of the Federation or of a Region or of the Southern Cameroons or the public, information in records and other materials in the National Archives by furnishing such records or other materials or copies thereof, authenticated by the Director's official seal or otherwise, or information from such records or materials.

(3) Nothing in this section contained shall affect the power of any competent court to order the production of any document in any proceedings instituted before such court.

7. *Authentication of copies and use in evidence of such copies.* — The Director shall have an official seal which shall be judicially noticed. When any copy or reproduction of a document in the custody of the Director is certified to be a true copy by the Director or by an officer of the Department of Federal Archives authorised by him in that behalf and is authenticated by such official seal, such copy or reproduction shall be admitted in evidence as proof of the contents of the original document as if it were the original document.

8. *Functions of Director in relation to Regional public records.* — The Director may exercise such functions in relation to any public records of the classes set out in paragraphs (a) and (b) of the definition of archives in section 2 as may, with the consent of the Governor-General, be conferred upon him by the Government to which such records belong.

9. *Appointment of National Archives Committee.*

(1) For the purpose of the permanent preservation of important archives, and to provide an orderly method for the disposition of such archives, there shall be established a permanent committee on National Archives, to be called the National Archives Committee, which shall consist of—

(a) the Chief Justice of the Federation, who shall be Chairman;

(b) the Director; and

Provisional Search Regulations, 1963¹

Until the Search Regulations provided for in Section 12 of the Public Archives Ordinance 1957 are made, all searchers will be bound by the following provisional search regulations, and every searcher is requested to sign his name below as having read, and agreed with, these regulations:—

1. — Permission to search the archives, remains, for the time being, an ex-gratia act, conferring no right of search.

2. — [Opening hours and days.]

3. — Searchers must be over 18 years old. University students must furnish recommendations from their professors.

4. — All prospective users of the archives must give sufficiently long notices in writing as to their intention before their search can begin. These will include precise information on the subject of their search as well as on the nature of papers required. They are also to contain the applicants' personal data: names, addresses, occupations and places of work. No searcher can begin to use the records until his application has been approved in writing by the Director or his representative.

5. — The use of the archives is allowed only in the search room provided for the purpose. Archives may be used in other rooms of the National Archives only with the knowledge and permission of the Archivist/Search.

6. — Papers are released to research workers entirely on the discretion of the Director or his representatives, but searchers may count on papers at least 50 years old being made available to them.

7. — Any Non-Government record may be made available to a research worker, if the permission of the depositor has previously been obtained, provided other necessary conditions are also satisfied i. e. the revelation of the contents of the documents in question will not embarrass the depositor, endanger state security or injure the interests of third parties, and that the records are in a fit condition for use.

8. — Searchers are requested to deliver at least one copy of their published work without cost to the National Archives, when the records of the National Archives have been extensively used in its preparation.

9. — [Use of telephone by searchers.]

10. — Any searchers committing a breach of any of these regulations will be immediately excluded from further use of the records of the National Archives.

1. Issued by the Director, National Archives.

(c) such other persons, not exceeding twenty-one in number, as may be appointed by the Commissioner, of whom—

- (i) one shall have been nominated for appointment by the Military Governor of each State;
- (ii) one shall have been nominated for appointment by the Senate of each of the Universities of Lagos, Ibadan, Ife, Ahmadu Bello and Nigeria (Nsukka);
- (iii) one shall represent commercial interests;
- (iv) one shall represent missionary bodies; and
- (v) two shall be persons versed in Arabic studies who shall have been recommended for appointment by the Director¹.

(2) The persons appointed under paragraph (c) of subsection (1) shall hold office for such period as may be determined at the time of their respective appointments.

10. *Functions of National Archives Committee.* — It shall be the duty of the National Archives Committee—

- (1) (a) to advise the Minister on all matters of Archives;
- (b) to examine the requests of public offices for the destruction or other disposition of Archives;
- (c) to make recommendations for the approval of the Minister on all applications for licences for the export of original records, documents or literary manuscripts;
- (d) to supervise the publication of any records or lists or calendars of archives authorised by the Minister to be published.

(2) The National Archives Committee may discharge its functions through sub-committees².

11. *Restriction on exportation of historical documents.*

(1) The exportation from Nigeria of documents which are archives or which relate to Nigeria and which have been certified by the Director to be of historical value is prohibited except in accordance with the terms of a licence to export issued by the Minister.

(2) A licence issued under the provisions of subsection (1) of this section shall specify each document to which the licence relates and may contain such conditions as the Minister may think fit.

(3) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

12. *Power of Minister to make regulations.* — The Minister may make regulations providing for—

- (a) the admission of the public to offices of the Director and the inspection by the public of the archives;
- (b) the transfer of any archives from the custody of any public office having control thereof to the National Archives;
- (c) the examination, disposal or destruction of any archives which are not of sufficient value to justify their preservation in the archives office or elsewhere;
- (d) the fees to be paid in respect of services provided by the Director; and
- (e) generally the better carrying out of the objects and purposes of this Ordinance.

1. This subsection, as modified by Public Archives (Amendment) Decree, 1969.
2. Subsection (2) added by Public Archives (Amendment) Act, 1960.

UGANDA

No Archives Legislation exists as yet in Uganda. A project of an Archives Law is being studied by the Government.

W. OKWENJE,
*Secretary for Research,
President's Office, Kampala.*

RÉPUBLIQUE ARABE UNIE

Loi du 24 juin 1954

Création des Archives nationales¹

ARTICLE PREMIER. — Création des Archives nationales, dépendant du ministère de la Culture et de l'Orientation nationale.

ART. 2. — La nouvelle fondation recueille et conserve les archives ayant trait à toutes les époques de l'histoire de l'Egypte ; elle facilite leur étude et leur publication, en se conformant aux règlements de la loi n° 215 de 1951 [sur la protection des antiquités].

ART. 3. — Les Archives nationales possèdent un Conseil supérieur, qui se charge de toutes les questions intéressant cette institution, et notamment de :

- 1° déterminer les documents possédant une valeur historique ;
- 2° prendre les mesures nécessaires à leur transfert aux Archives nationales ;
- 3° établir les bases de conservation des documents ;
- 4° choisir les documents à publier et décider du moyen de leur publication ;
- 5° établir les conditions de consultation des documents et en tirer des copies ; un arrêté du ministre de l'Orientation nationale règle ces points ;
- 6° émettre les avis au sujet de la suppression de documents appartenant à chaque ministère ;
- 7° établir un statut interne réglementant le travail dans les Archives nationales ; ce statut fait l'objet d'un arrêté du ministre de l'Orientation nationale.

Le ministre de l'Orientation nationale promulgue un décret portant sur la constitution de ce Conseil, les dates de ses réunions, la validité de ses séances, le processus de publication de ses décisions, leur exécution, sa méthode de travail, les compétences de son président et de son secrétaire ainsi que les rémunérations de ses membres.

ART. 4. — Seront considérés comme noyaux des catégories de documents groupés par les Archives nationales les documents se trouvant dans les lieux suivants :

- 1° les Archives historiques du Palais républicain ;
- 2° les Archives de la Citadelle ;
- 3° le Conseil des ministres ;
- 4° le ministère des Affaires étrangères ;
- 5° le ministère de la Justice ;
- 6° le ministère des Wakfs ;
- 7° al Azhar.

1. *Journal officiel de la RAU* ; texte fourni par le Dr S. M. EL SHINITI, sous-secrétaire d'Etat au ministère de la Culture, Le Caire. Un amendement de cette loi est à l'étude.

Toutefois, les institutions citées dans les points 3^o à 7^o pourront conserver les documents qu'elles jugeront « secrets ».

Les Archives nationales peuvent s'adjoindre les documents que le Conseil supérieur juge d'une valeur historique et qui se trouvent dans d'autres ministères ou départements, ou chez des particuliers et des organisations.

ART. 5. — Si le Conseil supérieur juge un document comme ayant une valeur historique, le ministère ou l'organisme gouvernemental possédant ce document est tenu de le remettre aux Archives nationales dès réception d'une demande dans ce sens.

ART. 6. — Le ministre de l'Orientation nationale, par un arrêté publié en vertu d'une demande du Conseil supérieur, peut considérer un document appartenant à des particuliers ou à des organisations comme ayant une valeur historique nationale. Dans ce cas, le détenteur de ce document est responsable de sa conservation et de son maintien dans son état original à partir de la date de réception d'un avis dans ce sens, par lettre recommandée avec accusé de réception. Il lui est également interdit de transférer ce document hors de la République égyptienne ou d'en disposer, de quelque manière que ce soit, sauf avec autorisation du ministère de l'Orientation nationale. S'il en dispose, il est tenu d'avertir le bénéficiaire de la transaction que le document est considéré comme ayant une valeur historique nationale.

ART. 7. — Le ministre de l'Orientation nationale a l'autorité requise pour mettre la main sur les documents se trouvant chez des particuliers ou des organisations. Il le fait en vertu d'un arrêté, sur la proposition du Conseil supérieur, qui estime le montant de l'indemnité à verser au propriétaire du document. Le décret de mainmise est publié dans le *Journal officiel*. Le propriétaire ou le détenteur du document est tenu de le remettre aux Archives nationales dans un délai de trente jours à partir de la réception de l'avis par lettre recommandée avec accusé de réception.

Le propriétaire du document est averti, par lettre recommandée avec accusé de réception, du montant de l'indemnité estimée. Le montant de celle-ci devient définitif si le propriétaire du document n'a pas présenté une protestation dans un délai de trente jours à partir de la réception dudit avis.

La plainte est portée devant le tribunal de première instance compétent qui examine le cas de façon urgente.

ART. 8. — Les documents remis aux Archives nationales en raison de leur valeur historique sont cachetés avec le sceau de cette institution après leur consignation. Ils ne peuvent être retirés ou utilisés qu'à l'intérieur des Archives nationales. Du point de vue juridique, ils sont considérés comme relevant de l'endroit d'où ils proviennent.

ART. 9. — Des copies photographiques ou manuscrites des documents déposés aux Archives nationales peuvent être prises, conformément aux règlements fixés par le Conseil supérieur. Un arrêté en ce sens est pris par le ministre de l'Orientation nationale. [Paiement des droits.]

ART. 10. — Un Comité permanent des Archives est constitué par décret du ministre compétent. Sa tâche consiste à maintenir en bon état les archives du ministère, à les classer et à les organiser. Ce Comité tient lieu d'agent de liaison entre le ministère et les Archives nationales.

ART. 11. — Lorsqu'un ministère ou un département désire se défaire de certains documents, le Comité ministériel mentionné dans l'article précédent présente, en collaboration avec le délégué des Archives nationales, un rapport en ce sens au Conseil supérieur pour donner son avis. Ladite démarche est indispensable pour disposer de ces documents.

ART. 12. — Toute infraction aux prévisions des articles 6 et 7 est passible de prison

pour une durée ne dépassant pas trois mois et d'une amende minimum de 25 livres égyptiennes et maximum de 200 livres égyptiennes, ou de l'une de ces deux pénalités.

ART. 13. — Conformément aux articles 151 et 152 du Code pénal, toute égratignure, annotation à l'encre ou autres, et tout acte de nature à produire un changement quelconque dans l'état où le document a été consigné sont considérés comme détérioration des documents historiques déposés aux Archives nationales.

ART. 14. — Le ministre de l'Orientation nationale, sur proposition du Conseil supérieur, est en droit de prendre des décisions, dont les contrevenants sont passibles d'amendes. Cela s'applique au maintien des documents, à l'organisation de leur utilisation et de leur consultation et à l'organisation de l'ordre à l'intérieur des Archives nationales.

ART. 15. — [Exécution et entrée en vigueur.]

RHODÉSIE

INTRODUCTION

When Southern Rhodesia, as the name then was, was granted responsible government in 1923, archival matters were within the portfolio of the Colonial Secretary, but the first legislation to regulate them was not introduced until 1935, when the Government Archives was established by the Archives Act of that year. This Act drew extensively on the legislation of the nearest neighbour, the Union of South Africa. The material in the Government Archives was, subject to regulation, open to the public, and up to the year 1958, when the Act was repealed, no regulations on the subject had been issued; but as a *modus operandi* access had been freely given to records of earlier date than 1923.

From 1946 to 1954 the archives office, under the name of the Central African Archives, provided services to Northern Rhodesia (now Zambia) and Nyasaland (now Malawi). On the establishment of the Federation of Rhodesia and Nyasaland the administration of archives was taken over by the Federal Government and a Federal archives office, known as the National Archives of Rhodesia and Nyasaland, continued until the dissolution of the Federation at the end of 1963. With the break-up there emerged three administratively unconnected archival institutions within the area of the former Federation—the National Archives of Rhodesia, in Salisbury; the National Archives of Zambia, in Lusaka; and the National Archives of Malawi, in Zomba.

In 1963 the Rhodesia Government passed a National Archives Act to provide for the re-constitution of the Rhodesian archives office as from 1 January 1964. This is the Act which is reproduced here, and it has not subsequently been amended in other than minor detail of nomenclature.

The Act distinguishes between “records” and “public archives”. The former are any records or documents in Government custody, and the latter a select class created from them. The necessary qualifications for promotion from records to public archives are an age of 30 years, transfer to the National Archives, and selection for permanent preservation.

Access is on a liberal basis, and public archives are, in general, available at the age of 30 years from their date of origin.

The scope of the National Archives of Rhodesia is indicated by the duties laid upon the Director, some of which, the things he ‘shall’ do, are mandatory, and some of which are permissive. The effect is to give legal status to a records management service, a public archives, a national library and to the necessary auxiliary services.

Certain obligations are imposed on the Director in other legislation. In terms of the Printed Publications Act, 1938, the National Archives receives a copy of every book and periodical published in Rhodesia and this has created the basis of the national library of Rhodesian literature. Again, in pursuance of an agreement of 28 December 1963, the National Archives of Rhodesia is the repository of the surviving records of the Federal Government.

There are two sets of Regulations in terms of the Act, one prescribes fees for the provision of photocopies and the other covers the conduct of visitors to the exhibition gallery and reading-rooms.

E. E. BURKE,
*Director, National Archives of Rhodesia,
Salisbury.*

National Archives Act, 1963¹

1. *Short title and date of commencement.*

(1) This Act may be cited as the National Archives Act, 1963.

(2) The provisions of this Act shall have no effect so long as Article 35 (1) of the Constitution of the Federation remains applicable without modification to a law passed by the Legislature with respect to archives.

(3) Subject to the provisions of subsection (2), this Act shall come into operation on such date as the Governor may by proclamation in the *Gazette* declare.

2. *Interpretation of terms.* — In this Act—

“court” means any court established by law;

“Director” means the Director of National Archives appointed in terms of section *three*;

“judicial records” means all records of court proceedings and all other records, documents or books which—

(a) are in the custody of any court or of any officer of any court in his capacity as such; or

(b) have been transferred to the National Archives;

“National Archives” means the National Archives of Southern Rhodesia established in terms of section *four*;

“public archives” means—

(a) all records and judicial records which—

(i) are more than thirty years old; and

(ii) are specified by the records committee as being of enduring or historical value; and

(iii) have been transferred to the National Archives; or

(b) any document, book or other material acquired for the National Archives by the Director in terms of paragraph (g) of section *three*;

“records” means any records or documents which—

(a) are in the custody of any ministry or department; or

(b) have been transferred to the National Archives;

“records committee” means the committee established in terms of section *five*.

3. *Appointment of Director of National Archives.* — Subject to any law relating to the public service, the Minister shall appoint a Director of National Archives who—

(a) shall direct, manage and control the National Archives;

(b) shall, at the request of a ministry or department, examine any records or judicial records in the custody of such ministry or department and shall advise such ministry or department as to the care and custody thereof;

(c) shall preserve and arrange all public archives;

(d) shall accept and store any records and judicial records which are transferred to the National Archives;

(e) may, if in his opinion it is necessary for their better preservation, bind or repair any public archives and records and judicial records which have been transferred to the National Archives;

(f) may, subject to the terms and conditions, if any, on which they were acquired, reproduce or publish any public archives;

(g) may acquire by purchase, donation, bequest or otherwise any document, book or other material which, in the opinion of the Director, is or is likely to be of historical value;

(h) may, subject to the approval of the Minister provide, on such terms and conditions as may be decided, the services of the National Archives to act as the archives for other authorities, including local government authorities.

4. *Establishment of National Archives.* — There is hereby established the National Archives of Southern Rhodesia wherein shall be preserved public archives and stored records and judicial records transferred to it.

5. *Establishment of records committee.*

(1) There is hereby established a committee for the purpose of making recommendations in regard to records and judicial records which shall consist of two persons appointed by the Minister and an officer of the National Archives appointed by the Director.

A member of a committee shall hold office at the pleasure of the Minister or Director by whom he was appointed, as the case may be, and shall receive no remuneration for his services as such.

(2) The functions of the records committee shall be to make recommendations to the Minister in regard to the matters mentioned in subsection (3).

(3) The records committee shall make recommendations as to—

(a) the retention or destruction of records and judicial records;

(b) the transfer of records and judicial records to the National Archives;

(c) the classification of records and judicial records for any of the purposes mentioned in paragraph (a) or (b);

(d) any other matters which may be prescribed;

and shall specify those records and judicial records which in its opinion are of enduring or historical value.

6. *Inspection of records and public archives.*

(1) No person, who is not an officer of the National Archives, may inspect any records, other than public archives, which have been transferred to the National Archives, without the written authority of a person duly authorized thereto by the ministry or department to which they belong.

(2) Any person may inspect any public archives subject to any conditions or restrictions imposed by the Director, or in the case of public archives acquired in terms of paragraph (g) of section *three*, any conditions or restrictions imposed by the person from whom they were acquired.

(3) The National Archives shall be open for the inspection of public archives and records during such hours as may be fixed by the Director with the approval of the Minister.

7. *Reproduction of public archives.*

(1) No person may publish or reproduce the whole or any part of the contents of any public archives or records other than judicial records which have been transferred to the

¹ Southern Rhodesia Proclamation No. 48 of 1963 (issued as a supplement to the *Southern Rhodesia Government Gazette Extraordinary*, 30 December 1963). — Southern Rhodesia is now Rhodesia.

National Archives except with the written authority of the owner thereof and in accordance with such conditions as that owner may impose.

(2) Any person who contravenes the provisions of subsection (1) or fails to comply with any condition therein referred to shall be guilty of an offence and liable to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(3) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

8. *Transfer of existing archives.* — All the public archives, records and judicial records which at the date of commencement of this Act are in the custody of the National Archives of Rhodesia and Nyasaland established under the National Archives Act, 1958, of the Federal Legislature and which are the property of the Government are hereby transferred to the custody of the National Archives.

9. *Penalties.* — Any person who contravenes any provision of this Act for which no special penalty is provided shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding three months.

10. *Regulations.*

(1) The Minister may make regulations for any matter which may be prescribed in terms of this Act and generally for the better carrying out of the objects and purposes of this Act.

(2) Without derogation from the generality of the provisions of subsection (1), regulations may—

- (a) prescribe the fees to be charged by the Director for the making and certifying of copies of any public archives, records or judicial records in the National Archives;
- (b) provide for the preservation and protection of public archives, records and judicial records in the National Archives and the conduct of visitors thereto.

SÉNÉGAL

INTRODUCTION

Le Sénégal n'a pas encore de législation archivistique particulière. Le décret n° 70-251 du 28 février 1970, portant répartition des services de l'Etat entre la Présidence de la République, le Premier Ministre et les différents ministères, a rattaché le service des Archives du Sénégal au Premier Ministre et défini ses attributions¹.

Outre ce texte, deux décrets ont précisé le sort d'archives particulières : le décret n° 62-215 du 28 mai 1962, qui a ordonné le versement aux Archives nationales, tous les dix ans, des archives judiciaires ayant plus de cinquante ans d'âge² ; le décret n° 68-342 du 29 mars 1968, qui a autorisé le dépôt aux Archives nationales des actes notariés de plus de cinquante ans³.

Enfin, le statut du personnel des Archives, bibliothèques et centres de documentation, a été précisé par le décret n° 69-257 du 17 mars 1969⁴.

Jean-François MAUREL,
Conservateur des Archives du Sénégal, Dakar.

1. *Infra*, p. 117.

2. *Infra*, p. 116.

3. *Infra*, p. 116-117.

4. *Journal officiel du Sénégal*, 1969, p. 436-440 ; additif, *ibid.*, p. 797.

Décret du 28 mai 1962

**ordonnant le versement aux Archives nationales
des archives décennales judiciaires ayant plus de cinquante ans d'âge¹**

ARTICLE PREMIER. — Il sera procédé, tous les dix ans, au versement régulier aux Archives nationales des archives judiciaires ayant plus de cinquante ans d'âge.

ART. 2. — La préparation et l'exécution des versements décennaux seront assurées par les autorités judiciaires en collaboration avec le service des archives.

ART. 3. — [Exécution.]

Décret du 29 mars 1968

**relatif au dépôt dans les Archives nationales
des actes notariés de plus de cinquante ans²**

ARTICLE PREMIER. — Les dispositions de l'article 27 du décret n° 60-308 du 3 septembre 1960 [fixant le statut des notaires] ne s'appliquent aux actes ayant plus de cinquante ans d'âge que sous réserve des dispositions ci-après.

ART. 2. — Les minutes et documents de toute nature ayant plus de cinquante ans d'âge, conservés dans les études des notaires, peuvent être, en totalité ou en partie, déposés par les notaires aux Archives nationales, sous réserve de l'autorisation du secrétaire général de la Présidence de la République.

Chacun de ces dépôts librement consentis donne lieu à un acte accompagné d'un état succinct établi en quadruple exemplaire. Un exemplaire demeurera entre les mains du déposant, un autre entre celles du service dépositaire, le troisième sera transmis au Procureur de la République du ressort. Le quatrième exemplaire de l'inventaire du dépôt sera adressé au ministre de la Justice.

ART. 3. — Les minutes et documents ayant cinquante ans d'âge peuvent être librement communiqués par les notaires ou par les Archives nationales.

Pour les minutes et documents ayant moins de cent vingt-cinq ans d'âge, la communication à d'autres qu'aux personnes intéressées en nom direct, leurs héritiers ou ayants cause, doit cependant être autorisée, après enquête, par le Procureur de la République.

Les minutes et documents déposés aux Archives nationales seront communiqués conformément aux lois, décrets et règlements qui régissent ce service, à moins de stipulation contraire dans l'acte de dépôt et sauf ce qui est dit à l'article 5 du présent décret.

ART. 4. — Les expéditions ou extraits authentiques des minutes et documents ainsi déposés sont délivrés sous le seing du notaire déposant ou de son successeur. L'archiviste dépositaire vise pour copie conforme s'il en est requis.

1. *Journal officiel de la République du Sénégal*, 1962 (9 juin), p. 977.

2. *Journal officiel de la République du Sénégal*, 1968 (13 avril), p. 428.

ART. 5. — Toutefois les parties intéressées en nom direct, leurs héritiers ou ayants cause, gardent le droit de faire, par un acte extra-judiciaire, défense au notaire compétent et, en cas de dépôt, à l'administration des archives, de donner connaissance des actes notariés les concernant qu'elles spécifieront et d'en délivrer les expéditions ou extraits si ce n'est dans les conditions fixées aux paragraphes 2 et 3 de l'article 27 du décret n° 60-308 du 3 septembre 1960.

ART. 6. — [Exécution.]

Décret du 28 février 1970

**portant répartition des services de l'Etat
entre la Présidence de la République, le Premier Ministre et les ministres¹**

[Seul l'article 10 de ce décret concerne les Archives.]

ART. 10. — Le service des Archives nationales est chargé de conserver, classer et répertorier les archives de l'Etat et des collectivités publiques. Il gère un centre de documentation ouvert aux agents des services publics ainsi qu'aux tiers dans les conditions prévues par les règlements particuliers en vigueur.

1. *Journal officiel de la République du Sénégal*, 1970 (7 mars), p. 236-240 ; texte cité, p. 239.

SIERRA LEONE

INTRODUCTION

Prior to the passing of the Archives Act 1965 there was no archival legislation in Sierra Leone. Early in the fifties, the British Colonial Government appointed Mr. Christopher Fyfe, the historian, to reorganise the Sierra Leone Government Archives.

Mr. Fyfe transferred all archival documents he could collect from various offices in the country to Fourah Bay College where they have been housed since, with Fourah Bay College acting as custodian. After the departure of Mr. Fyfe on completion of his assignment, Dr. Peter Kup, Lecturer in History in 1955, was appointed Honorary Government Archivist.

In 1967, Dr. Kup left the services of the College and Mrs. Gladys M. Sheriff, a Senior Librarian at Fourah Bay College, was appointed Honorary Government Archivist.

With the absence of a legislation, it was difficult to control the use and preservation of archival materials. Researchers were allowed free access to all records in the repository which also served as a search room, though during this period the Archivist did observe in practice the 50 year limitation rule as it was then observed in Britain.

With the declaration of independence in Sierra Leone in 1961, the passing of an Archives Act was considered as one of the essentials relevant to the development of a new nation. And since the passing of the Act in 1965 the archival situation has certainly improved. The provisions of the Act now serve as both a legal and moral basis for restructuring the administration and organisation of the Sierra Leone Public Archives.

Mrs. Gladys M. SHERIFF,
Honorary Government Archivist, Freetown.

Public Archives Act, 1965¹

1. Commencement. — [...]

2. Interpretation. — In this Act, unless the context otherwise requires—

“archives” means all public records, documents and other historical matter of every kind, nature and description which are in the custody of any Government office or which may after the commencement of this Act be transferred to or acquired by the Public Archives Office;

“Director” means the Director of Archives appointed under the provisions of section 3;

“Government office” includes a Ministry or Department of the Government, the Supreme Court, the office of any body incorporated directly by Act of Parliament, the office of any authority constituted, under whatever name, for purposes of local government, and the office of any local court;

“Local authority” includes a Chiefdom Council;

“Minister” means the Minister charged with responsibility for archives.

3. Establishment of Public Archives Office, etc.

(1) There shall be established an Archives Office with so many branches as may be deemed necessary or convenient, to be called the Public Archives Office in which shall be preserved such archives of historical value as are transferred thereto or acquired by the Director under this Act.

(2) There shall be a Director of Archives who shall be a public officer and who, under the direction of the Minister, shall make provision for the custody, preservation, arrangement, repair and rehabilitation, and for such duplication reproduction, description and exhibition of archives transferred to the Public Archives Office as may be necessary or appropriate, including the preparation and publication of inventories, indexes, catalogues and other finding aids or guides facilitating their use;

Provided that pending the appointment of a public officer as Director the functions of the office may be performed by an honorary Government Archivist.

4. Examination of Government records and transfer to the Public Archives Office.

(1) The Director and any officer of the Public Archives Office authorised by him shall have power to examine any archives which are in the custody of any Government office, and shall advise such office as to the care, custody and control thereof;

Provided that this subsection shall not empower the Director, or an officer authorised by him, to examine any archives relating to matters which, by statute or otherwise, are forbidden to be communicated to him.

(2) Archives in the custody of any Government office shall be transferred periodically to the Public Archives Office in accordance with Regulations made under section 11.

5. Acquisition of original records, documents, etc., for the Public Archives Office. — [...]

6. Public inspection.

(1) The Director, with the approval of the Minister, and subject to any Regulations made under section 11 shall provide reasonable facilities for the purpose of making available to the

Government and the public information contained in the archives under his control either—

- (a) by making the original records or other materials available for consultation; or
- (b) by furnishing copies (authenticated by the Director's official seal or otherwise) of, or extracts or information collected from, such original records or other materials:

Provided that nothing in this section shall require the disclosure of any material exempted from examination by statutory provisions or other lawful restrictions.

(2) Nothing in this section shall affect the power of any competent court to order the production of any document in any proceedings instituted before such court.

7. Authentication of copies and use in evidence of such copies. — [...]

8. Appointment of Public Archives Committee.

(1) For the purpose of the permanent preservation of important archives and to provide an orderly method for the disposition of such archives, there shall be established a permanent committee on Public Archives, to be called the Public Archives Committee, which shall consist of—

- (a) an eminent historian, to be appointed by the Minister, who shall be Chairman;
- (b) the Director; and
- (c) such other persons, not exceeding seven in number, as may be appointed by the Minister of whom one shall have been nominated to represent the Universities.

(2) The persons appointed under paragraphs (a) and (c) of subsection (1) shall hold office for such period as may be determined at the time of their respective appointments.

9. Functions of Public Archives Committee. — It shall be the duty of the Public Archives Committee—

- (a) to advise the Minister on all matters relating to Archives;
- (b) to examine the requests of Government offices for the destruction or other disposition of Archives;
- (c) to make recommendations for the approval of the Minister on all applications for licences for the export of original records, documents or literary manuscripts;
- (d) to supervise the publication of any records or lists or calendars of archives authorised by the Minister to be published.

10. Restriction on exportation of historical documents.

(1) The exportation from Sierra Leone of documents which are archives or which relate to Sierra Leone and which have been certified by the Director to be of historical value is prohibited except in accordance with the terms of an export licence issued by the Minister.

(2) A licence issued under the provisions of subsection (1) shall specify each document to which the licence relates and may contain such conditions as the Minister thinks fit.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred leones.

11. Powers of Minister to make Regulations. — The Minister may make Regulations providing for—

- (a) the admission of the public to the offices of the Director and the inspection by the public of the archives;

¹ Supplement to the Sierra Leone Gazette, Vol. XCVI, No. 87, 4th November 1965, p. 7.—Text as amended by the Public Archives (Amendment) Act, 1970 (Suppl. to the Sierra Leone Gazette, Vol. CII, No. 12, 18th February 1970).

- (b) the transfer of any archives from the custody of any Government office having control thereof to the Public Archives Office;
- (c) the examination, disposal or destruction of any archives which are not of sufficient value to justify their preservation in the Public Archives Office or elsewhere;
- (d) the fees to be paid in respect of services provided by the Director;
- (e) penalties not exceeding fifty leones for the wilful destruction or damage of Public Archives or their removal except in accordance with the Regulations under this section; and
- (f) generally the better carrying out of the objects and purposes of this Act.

SOUDAN

Provisional Order

Central Records Office Act, 1965¹

1. *Title.* — Upon being confirmed by resolution of the Constituent Assembly this Provisional Order may be cited as “The Central Records Office Act, 1965”.

2. *Interpretation.* — In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings hereinafter respectively assigned to them:—

“Minister” means Minister of Interior.

“Director” means Director of the Central Records Office.

“Records” means any written papers, book, photograph, film, voice record, drawing, map or any material recording an activity or a copy thereof which is:—

- (i) created during Government business.
- or (ii) received by a government office and had become a part of its proceedings.
- or (iii) kept by a government office for its contents.
- or (iv) recording an activity of a government office.
- or (v) deposited by the Central Records Office.
- or (vi) regarded by the Central Records Office Board as a public record.

3. *Function of the Records Office.* — The present Sudan Government Archives shall be transformed into an office to be called “the Central Records Office” which shall continue as part of the Ministry of the Interior and its functions shall be:—

- (1) The preservation of public records already desposited therein and those which may be received thereby.
- (2) The control and supervision of Government and Semi-Government records.
- (3) The collection of documents regarded as data for the history of the Sudan.
- (4) Facilitation of the accessibility to records and effecting their publication.

4. *Functions of the Board.*

(1) The Minister shall form an advisory board to be called the Central Records Office Board as follows:—

- (a) Under-Secretary, Ministry of the Interior or his representative: President.

¹ 1965, PO, No. 24. — Text procured by Miss Khadiga ZARROUG, Head of Enquiries Department, Central Records Office, Khartoum.

- (b) The Director of the Central Records Office: Secretary.
- (c) Eight persons to be appointed from time to time by the Minister.
- (2) Subject to the provisions of section 3 the Functions of the Board shall be to advise the Minister on the following:—
 - (a) All the affairs of the office.
 - (b) Records which are regarded as data, for the history of the Sudan.
 - (c) Manner of preservation of records.
 - (d) Manner of accessibility of records and photocopying.
 - (e) The authorization of the classes of records to be destroyed.
- 5. *Duty of Government Departments to preserve and forward their Records to the Central Records Office.* — Ministries, Departments and Government Units shall not:
 - (a) destroy, damage, or get rid of any record without obtaining a written permission of the Central Records Office.
 - (b) destroy any record created on or before the first day of January 1925.
- 6. *Constitution of Regional, Departmental or Professional Records Offices.* — The Minister may, after consultation with the Board, constitute Regional, Departmental or Professional Records Offices which shall be responsible to the Central Records Office.
- 7. *Method of collecting Records of public nature (other than Government Records).*
 - (1) The Central Records Office may acquire records of public nature (other than Government records) owned by persons or bodies by donation, buying, photocopying or temporary custody in accordance with the Regulations to be made by the Minister.
 - (2) The Minister may prohibit exportation of records of a public nature outside the Sudan.
- 8. *Allowing of photocopying and transcription.* — Photocopying and transcription may be allowed pursuant to the Regulations to be made by the Minister.
- 9. *Duty to stamp public documents.* — [...]
- 10. *Penalties.* — [...]
- 11. *Making of Regulations.* — The Minister shall make Regulations for the better execution of this Act.

TANZANIE¹

Presidential Circular No. 7, 2nd December, 1963

Care and disposal of public records

Introduction

1. — The records of the past administration of this country are the collective memory of the Government. In them a vast amount of information—social, statistical, technical, legal and administrative—has been accumulated about Tanganyika which will be of the utmost value to future historians and administrators. If the papers are lost or cannot be found because they are buried in a welter of useless material, much of this information will have to be collected afresh, probably at considerable expense, as basic data for future Government action. Even in a newly independent country continuity of administration has to be maintained and future policy must, to a considerable extent, be based on past experience and knowledge and on past mistakes. Moreover, many categories of records (e.g. land records) protect the rights of individual persons and their preservation and accessibility are of fundamental importance to the citizens.

2. — The primary function of records is, therefore, a practical one; but after the passage of time their immediate usefulness as tools of good Government dwindles and they take on a broader cultural and historical value. Without a proper understanding of our past, we are at the mercy of impulse and prejudice, lacking in balance and continuity: without contemporary records our history itself is a thing of gaps and myths, conditioned by the whims of writers who choose to illuminate this or that landmark but leave the intervening years in obscurity. Although the bulk of the public records of Tanganyika are the records of former German and British administrations, they also exemplify—sometimes, incidentally—much of the indigenous customs and traditions of the people of Tanganyika. As such they are part of the cultural heritage of this country which it is the moral duty of the Government to preserve. It is from them that our history will be written and taught in our schools and universities.

The present situation

3. — In the past the importance of the proper preservation of public records has never been fully appreciated and, with the exception of Court records and some categories of financial records, their care and disposal has been very largely uncontrolled. During the last fifty years there has been much indiscriminate destruction of valuable material and because of our legacy

¹ Texts procured by Dr. S. I. E. MONGELLA, Senior Assistant Archivist, National Archives Division, Dar es Salaam.

of past neglect, rapid changes in the organization of government during the past decade, lack of continuity in staffing, and bad conditions of storage, what records have survived are frequently in a disorderly state and exposed to the ravages of insects, rodents and the weather.

Establishment of a National Archives Service

4. — To make good the omissions of the past and to establish effective control over the preservation and disposal of public records the Government has decided to establish the nucleus of a National Archives Service. Initially, a small Government Archives Section is being formed under the Ministry of National Culture and Youth and Unesco has provided the services of an expert to help us launch this project and to train locally recruited staff. Three air-conditioned rooms equipped with steel shelving are available in the basement of the new Treasury Building for the storage of archives (i. e. those records which have been selected for permanent preservation and transferred to the Archives). Eventually, when funds permit, it is our resolve to build a properly equipped large repository, which will include accommodation for searchers and the whole range of archive services.

5. — The development of the Archives Service will take time as will the introduction of legislation to establish the National Archives of Tanganyika and equip the Minister with effective powers to regulate the preservation of public records, the transfer of those selected for preservation to the Archives, public access, etc. In the meantime, it is essential that all possible steps be taken at once to prevent further loss and deterioration.

The responsibility of Public Offices

6. — If records are allowed to deteriorate while in departmental custody to such an extent that costly repair treatment is necessary to ensure their continuing preservation, they constitute an expensive liability which the Government and its Archives Service have not the resources to discharge. Again, if they are kept in an untidy and disarranged state, papers cannot be found easily when required and much time-consuming sorting and rearrangement will be necessary before they can be properly reviewed and those selected for preservation transferred to the Archives. In short, good records management saves time and money.

7. — I appreciate that the accommodation available for records storage in some offices is congested and that, because of frequent changes in functional organization and the location of offices, some disarrangement and chaos has been inevitable. The dilemma is that much as the Government Archivist would like to get transferred to the Archives the older public records which merit preservation and give advice as to what material can be destroyed and thereby ease the storage congestion, he cannot take any action until the papers are put in reasonable order so that they can be systematically reviewed.

8. — The immediate task, therefore, is for offices to make a determined effort to sort through their files and older papers up to 1955, when the Membership system was introduced. Much of this material is probably only referred to occasionally: some of it could be destroyed (but only after appraisal by the Government Archivist) and the remainder transferred to the Archives, from whence it can be made available to Ministries and Departments when required. Moreover, the pre-1955 files in the custody of Ministries include a number of former Colonial Secretariat files. The Government Archivist would be glad to have these transferred as soon as possible, because they fill gaps in the main Secretariat series of files which he hopes to put in order and list during the next six months.

9. — It must be the responsibility of all public offices to make adequate and continuing provision for the physical preservation and safe-keeping of records, both when they are current and especially when they are put away in a closed store and tend to be neglected. In Ministries

and Departments responsibility for ensuring that proper arrangements are made should be vested in the senior 'F and E' Schedule Officer, and he should co-ordinate and exercise effective supervision over the arrangements made by Divisions (with branch registries) and out stations. In Regional and District Offices Administrative Secretaries and Area Secretaries should exercise these functions. The execution of the arrangement is the responsibility of Office Supervisors and Chief Clerks, who must be given the fullest support to enable them to discharge their duties. Our resources are limited and what needs to be done must be done, as far as possible, with the staff available. Procrastination will only make matters worse and the problem to which we must all apply ourselves is how the situation can be brought under control within our existing resources.

10. — The guidance and co-operation of the Treasury's Organization and Methods Division and of the Government Archives Section are readily available and circulars are, and will be, issued from time to time by Treasury (O and M) and by the Ministry of National Culture and Youth on the measures which should be taken and the methods which should be employed to control the preservation and disposal of records.

11. — Finally, except where authorised by existing Government Orders and Statutory Rules, there should be no further destruction of public records unless the agreement of the Government Archivist has been obtained. If a situation arises in which existing conditions of storage are so bad that the preservation of records in a reasonable condition is impossible, the Government Archivist should be informed at once.

Access to public records and archives

12. — The Government has not yet formulated its policy on the granting of public access to official records. The issues involved are complex and, until they have been carefully considered, public records and archives should be regarded as closed to public inspection. In certain circumstances, however, there may be a case for allowing discretionary access to older records; and applications for access to public records in departmental custody should be referred to the Ministry of National Culture and Youth, who will co-ordinate action in this field.

13. — In the past some Regional and District Offices have allowed visiting students to search in their records and there is evidence that some valuable material has been borrowed and not returned. In no circumstances will Regional and District Offices allow access to any member of the public who is not in possession of a valid permit issued by the Ministry of National Culture and Youth. Such permits will only be issued on the understanding that access is supervised and that no material is removed from the custody of the office concerned.

Publicity

14. — The contents of this Circular should be given the widest possible circulation and measures put in hand immediately to implement it.

National Archives Act, 1965

1. Short title and commencement.

(1) This Act may be cited as the National Archives Act, 1965, and, subject to the provisions of subsection (2) of this section, shall come into operation on such date as the Minister shall, by notice in the *Gazette*, appoint.

(2) Save to the extent that the Minister may authorize any person to have access to any public archives or category thereof, section 11 shall not come into operation in respect of the National Archives or any place of deposit until the Minister has given notice in the *Gazette* that the National Archives or such place of deposit is open to the public.

2. Interpretation.

(1) Subject to subsection (2) of section 4 and unless the context otherwise requires, in this Act—

“the Director” means the Director of the National Archives;

“the Minister” means the Minister for the time being responsible for archives;

“the National Archives” means the public department constituted by section 3 and, save in sections 1 to 8 (inclusive), includes a place of deposit;

“place of deposit” means a place of deposit appointed under section 4;

“public archives” mean—

(a) public records transferred to the National Archives or a place of deposit under section 9;

(b) any other document, book, record or other material acquired for the National Archives;

“public records” mean the records described in the Schedule to this Act;

“records” include not only written records, but records conveying information by any means whatever; and references to records selected for preservation include records directed, in accordance with this Act, to be preserved.

(2) When records created at different dates are for administrative purposes kept together in one file or other assembly, all the records in that file or other assembly shall be treated for the purposes of this Act as having been created when the latest of those records was created.

(3) The Minister may, by order published in the *Gazette*, add to Part II of the Schedule to this Act any corporation or other body established by written law.

The National Archives and places of deposit

3. *The National Archives of Tanzania.* — There shall be constituted and maintained a public department to be called the National Archives of Tanzania wherein shall be preserved the public archives other than those which, in accordance with this Act, are to be kept in some other place of deposit.¹

4. Other places of deposit.

(1) If it appears to the Minister that facilities exist for the safekeeping and preservation of public records and their inspection by the public in some place other than the National Archives and that convenience so requires, he may, with the agreement of the authority responsible for that place, declare that place to be a place of deposit for public records of a particular category or particular categories.

(2) Where the Minister declares any place to be a place of deposit for any category or categories of public records, public records of such category or categories which are selected for preservation shall be transferred to and preserved in that place of deposit in lieu of the National Archives and, in relation to such public records, the provisions of this Act shall have effect accordingly.

¹ The National Archives are now a Division of the Office of the Second Vice-President: National Archives of Tanzania, PO Box 2006, Dar es Salaam.

5. *The Director and staff of the National Archives.*

(1) There shall be a Director of the National Archives and the office of the Director and of the other staff of the National Archives shall be offices in the service of the United Republic.

(2) Subject to the directions of the Minister, the Director shall have the charge of the National Archives and of the public archives therein and, in addition to the specific functions conferred or imposed on the Director by this Act, it shall be the duty of the Director to take all practicable steps for the proper management and control of the National Archives and for the preservation of the public archives therein.

(3) Subject to the directions and, in respect of the matters provided for in paragraph (g), to the approval of the Minister, the Director shall have power to do all such things as appear to him necessary or expedient for the discharge of such duty and for maintaining the utility of the National Archives and may, in particular—

(a) compile, make available and publish indices and guides to, and calendars and texts of, public archives in the National Archives;

(b) prepare publications concerning the activities of and the facilities provided by the National Archives;

(c) regulate the conditions under which members of the public may inspect public archives in, or use the facilities of, the National Archives;

(d) provide for the making and authentication of copies of and extracts from public archives in the National Archives required as evidence in legal proceedings or for other purposes;

(e) make arrangements for the separate housing of films and other records which have to be kept under special conditions;

(f) acquire, or accept gifts and loans of, any document, book or other material which in his opinion is or should be added to the public archives;

(g) lend public archives in the National Archives for display at commemorative exhibitions or for other special purposes.

6. *Custodians of places of deposit and powers of the Director in respect of such places.*

(1) Where the Minister declares any place of deposit under section 4, he shall make arrangements with the authority responsible for that place for the appointment as occasion may require of a suitable person as custodian of the public archives kept therein.

(2) A person appointed custodian of the public archives in any place of deposit shall, subject to the directions of the Minister and to the supervision and instructions of the Director, have the charge of, and be responsible for the preservation of, the public archives therein.

(3) The Director shall have access to every place of deposit, may exercise, in relation to any place of deposit and to the public archives therein, the functions and powers conferred on him by this Act in relation to the National Archives and the public archives therein, and may delegate to the custodian of the public archives in any such place any of such functions and powers other than the power of affixing the seal of the National Archives.

7. *Seals.*

(1) There shall be an official seal of the National Archives of a design approved by the Minister.

(2) The seal of the National Archives shall be kept in the custody of the Director and may be used for the purposes of the National Archives and for the purposes of any place of deposit for which no separate seal is provided.

(3) The Minister may provide an official seal for the purposes of any place of deposit and any such seal shall be kept in the custody of the custodian of the public archives in that place.

(4) The official seal of the National Archives and any seal provided under this Act for the purposes of any place of deposit shall be judicially noticed.

8. *Secrecy.* — Where there are transferred to the National Archives or any place of deposit any public records containing information obtained from members of the public the disclosure of which is, by written law, prohibited or limited to certain purposes, the Director, the custodian of the public archives in such place and every member of the staff of the National Archives or such place who has access to such records shall, take such oath or make such declaration relating to secrecy (with such modifications as the circumstances require) as is required by the relevant written law to be taken or made by persons having access to such records prior to their transfer; and every person who takes such oath or makes such declaration shall, for the purposes of any provision of such written law making punishable any disclosure in contravention of the written law, be deemed to be a person employed in carrying out the provisions of the relevant written law.

Selection of and access to public archives

9. Selection and preservation of public records and transfer to the National Archives.

(1) The Director and any officer of the National Archives authorized by him shall have power to examine public records which have not been transferred to the National Archives and to select those which ought to be preserved and transferred to the National Archives:

Provided that nothing in this subsection shall empower the Director or any such officer to examine any public record access to which is restricted by written law or otherwise to a person or category of persons which does not include the Director or such officer.

(2) It shall be the duty of every person responsible for, or having the custody of, public records which have not been transferred to the National Archives—

(a) to afford to the Director and any such officer appropriate facilities for such examination and selection; and

(b) to provide for the assemblage and safekeeping, in accordance with any regulations made under this Act and the directions of the Director, of those public records which are selected for preservation and any public records, whether or not examined by the Director or any such officer, which the Director has directed shall be preserved, pending their transfer to the National Archives.

(3) Public records selected for transfer to the National Archives shall be transferred thereto not later than twenty years from the date of their creation:

Provided that the transfer of any public records to the National Archives may be withheld after the expiration of the said period if, in the opinion of the person having the custody thereof, the said records are required for administrative purposes or ought to be retained for any other special reasons and, where that person is not a Minister, the Minister responsible for archives has been informed thereof, has given his approval for withholding such records, and has prescribed some alternative manner for preserving them.

(4) The Director may, if it appears to him in the interests of the proper administration of the National Archives, direct that the transfer of any category of public records shall be suspended until arrangements for their reception have been completed.

(5) Public archives may be temporarily returned to their office of origin at the request of the person by whom or the office from which they were transferred.

10. *Destruction of archives and public records.* — If as respects any public archives in the National Archives or public records selected, but not transferred to, the National Archives, it appears to the Director that the same is duplicated or that there is some other special reason why the archives or records should not be preserved, he may, with the approval of the Minister and of such other Minister or other person, if any, who appears to the Minister to be primarily concerned with public archives or records of the category in question, authorize the destruction of such archives or records or, with such approval, their disposal in any other way:

Provided that nothing in this section shall authorize, or empower the Director to authorize, the destruction or disposal of any public archives obtained otherwise than by transfer under section 9 contrary to the terms, or conditions on which they were obtained or if they were obtained by gift, during the lifetime of the donor without his consent.

11. Access to public archives.

(1) Subject to any written law prohibiting or limiting the disclosure of information obtained from members of the public and to the provisions of this section, public archives which have been in existence for a period of not less than thirty years may be made available for public inspection and it shall be the duty of the Director to provide reasonable facilities at such times and on the payment of such fees as may be prescribed by regulations made under this Act for the public to inspect or obtain copies or extracts from public archives in the National Archives.

(2) Notwithstanding the provisions of subsection (1), the Minister may, in respect of any public archives or any category thereof certified to him by the person by whom, or in charge of the office from which, the records concerned were transferred to the National Archives that the said public archives or category are of a kind which ought not to be made available for public inspection, order that the said public archives or category thereof shall not be made available for public inspection or shall not be available to public inspection until the expiration of such further period as may be specified in that or any subsequent order.

(3) The Minister may, in like manner and acting on a certificate from such person aforesaid, order that any public archives or category thereof be made available for public inspection notwithstanding that such public archives have not been in existence for at least thirty years.

(4) Nothing in this section shall be construed—

(a) as limiting any right of inspection of any records to which members of the public had access before their transfer to the National Archives; or

(b) save to the extent provided by any such written law as is referred to in subsection (1), as precluding the Minister from permitting any person authorized by him to have access to any public archives or category thereof.

Exportation and removal of archives and other documents

12. Restriction of exportation of or unauthorized removal of public archives or public records.

(1) No person shall export from Tanzania any public archives except under and in accordance with the terms of a licence issued by the Director.

(2) No person shall remove—

(a) any public archives from the National Archives without the written permission of the Director;

(b) any public record selected for, but not transferred to, the National Archives from its place of custody without the written permission of the Director or the person in whose custody the same is kept.

(3) A licence issued or permit granted under the provisions of this section shall specify each record to which the licence or permit relates and may contain such conditions as to the custody, use, preservation and return of the record as the Director or other person granting the same thinks fit.

(4) Any person who contravenes the provisions of subsection (1) or (2), or fails to comply with the conditions of any licence issued or permit granted to him under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(5) Nothing in this section shall apply to the removal from its place of custody of a public record selected for, but not transferred to, the National Archives by any person in the service of the United Republic or otherwise employed in the office in which the same is kept in the course of his duties.

13. Declaration of historical records.

(1) If the Director is satisfied that any record which is in, and was made in, Tanzania is of historical value to Tanzania, he may, by notice published in the *Gazette* or by writing under his hand served on the person having the custody of such record, declare the record to be an historical record the export from Tanzania of which is prohibited except under and in accordance with the terms of a licence issued by the Director.

(2) A licence issued for the export of an historical record declared as such under this section shall contain a description of the record sufficient to identify it and may contain such conditions as to the custody, use, preservation and return of the record as the Director thinks fit.

(3) Any person who—

(a) knowing any record to be declared an historical record under this section, exports or attempts to export the same from Tanzania without the licence of the Director; or
(b) fails to comply with the conditions of any licence issued to him under this section, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) Any person aggrieved by the declaration of any record as an historical record under this section may appeal to the Minister and the decision of the Minister on any such appeal shall be final. Where the Minister allows an appeal under this section, the Director shall forthwith revoke the declaration.

Validity, evidence and copyright

14. *Legal validity of public records.* — When it is a requirement of the validity of any public record that it be kept in or produced from legal custody, the validity of such document shall not be affected by its transfer from the appropriate public office to the National Archives.

15. *Authentication of copies.* — A copy of or extract from any record in the National Archives purporting to be duly certified as true and authentic by the Director, by any officer of the National Archives authorized in that behalf by him, or by the custodian of the public archives in any place of deposit where such record is kept, and authenticated by having impressed thereon the official seal of the National Archives or of the place of deposit, shall be admissible in evidence if the original record would have been admissible in evidence in the proceedings.

16. *Copyright.* — Where any work in which copyright subsists, or a reproduction of such work, is comprised in any public archives which are open to public inspection in accordance

with this Act, the copyright in the work is not infringed by the making, or the supplying to any person, of any reproduction of the work by or under the direction of the Director:

Provided that, in its application to any archive obtained otherwise than by transfer to the National Archives in accordance with section 9, the foregoing provisions of the section shall have effect subject to any express terms or conditions under which the same was obtained.

Miscellaneous

17. National Archives Advisory Council.

(1) The Minister shall establish a Council to be called the National Archives Advisory Council which shall consist of the Director and such number of other members (one of whom shall be appointed chairman) not being less than five or more than seven as the Minister may, by notice in the *Gazette*, appoint.

(2) A member of the Council other than the Director shall hold office for two years unless his appointment shall have been previously revoked, and shall be eligible for re-appointment.

(3) The functions of the National Archives Advisory Council shall be to advise the Minister on all matters relating to access by members of the public to public archives and the services of the National Archives and on such other matters relating to the public archives and to historical records as the Minister may refer to the Council.

18. Regulations. — The Minister may make regulations providing for—

- (a) the admission of the public to the National Archives and the inspection by the public of the public archives;
- (b) the transfer of any public records to the National Archives;
- (c) the responsibilities of public officers for the custody of public records;
- (d) the examination, disposal or destruction of public archives and public records;
- (e) the conditions under which documents in the National Archives may be reproduced or published or extracts made therefrom;
- (f) the fees to be paid for the use of the facilities of the National Archives and for any service provided by the Director; and
- (g) generally for the better carrying out of the objects and purposes of this Act.

19. Amendment of former Acts. — [...]

20. Extension to Zanzibar. — [...]

SCHEDULE

Part I and II. — [Corporations and bodies whose records are to be kept or transferred to the National Archives.]

Archives Circular No. 2, 24th August, 1965

Enforcement of National Archives Act

1. — The provision of the above Act, which have hitherto been and are now regulated by Presidential Circular No. 7 of 1963 are to be brought into legal effect very shortly. This circular is to inform officers of the main ways in which their work will be affected.

2. — Each public office which comes under the schedule of the Act will be asked to allocate responsibility for Records to an appropriate Senior officer, who will for this purpose be designated Departmental Records Officer and who will be the “person responsible for, or having custody of, public records” mentioned in Section 9 (2) of the Act, which Sub-Section outlines the duties of such officers.

3. — The Departmental Records Officer will normally be: in a Government Office, the Senior “F & E” schedule officer; in a Regional Office the Administrative Secretary; in a District Office the Area Secretary; in a Local Authority the Town Clerk or Executive Officer; and in any other public authority, an officer of comparable rank. Executive duties in connexion with records will be the province of Office Supervisors and Chief Clerks.

Records of Courts of Law remain subject to the Records (Disposal) Ordinance (cap. 9) as amended by this Act.

4. — Section 9 (1) of the Act empowers the Director to inspect public records and select those which are to be transferred to the National Archives. This power of selection will be employed by means of an official Schedule of Records Preservation proper to each public office, the terms of which will be agreed between the Archives staff and Departmental Records Officers. Complete Schedules will be published in the Gazette Supplement. Each public office may therefore expect a visit from the Archives staff during which the records in it will be surveyed in detail and a draft Schedule drawn up.

5. — Except in the case of upcountry stations and courts, it is not proposed to carry out immediately a large scale transfer of records from public offices to the National Archives. This must await the completion of the new National Archives building, when adequate storage space for this will become available.

6. — It is however intended that the Schedules will come into effective use as soon as they are completed, in so far as destruction is concerned. Until such time as a Schedule of Record Preservation is authorized in respect of their office or Department, Departmental Records Officers are asked to ensure that there is *no further destruction of public records whatever*. Where this entails immediate storage difficulties, D.R.O's are asked to get into contact with the National Archives Staff, who will do their best to assist.

7. — The purpose of the foregoing arrangements is to assist public offices in establishing correct records management procedures, in the interest of efficiency and economy, and to ensure the preservation of records of administrative or historical value.

Archives Circular No. 5, 3rd February, 1967

Records Centre

1. — The National Archives Office in consultation with Treasury (O & M) has started a Records Centre whereby all non-classified files will be carefully preserved as soon as they are reasonably inactive in registries. This Circular is to inform all offices concerned the launching of the Records Centre (Scheme) Services.

2. — A properly thought-out Records Management Scheme is a necessity for a modern Government. The establishment of this Records Centre will be a logical relief to registries and a step in the development of the National Archives as an administrative common service. In essence, the Records Centre is a place where records are kept in bulk in a very orderly manner

in such a way that any individual record can be quickly supplied for reference and ephemeral papers are destroyed routinely and at agreed periods. Individual registries do not need therefore to maintain large closed record stores. Consequently, the Records Centre, when working produces saving in storage space and registry operations and its main advantage is centralised and rationalised control of public records in the country.

3. — In order to have a smooth flow of records from registries to Records Centre, members of the Archives staff will be visiting Ministries and Public Offices to confer with the Departmental Records Officers in order to arrange for the transfer of the files to the Records Centre.

4. — To avoid any complications on transfer procedure the National Archives will issue boxes to the Departmental Records Officers who, with the help of the Archives staff, will insert the records in these boxes. Records should be packed in boxes in file index order. Transmittal lists should be made for each consignment of records. These lists should be made out in triplicate. Two copies will be sent with the consignment and one copy should be retained in the office. The National Archives will issue the kind of forms to be used for this purpose.

5. — Depositing Departments may call back files sent to the Records Centre for reference or request information contained in their papers. The quickest possible means to reply to any such requests is guaranteed.

TOGO

INTRODUCTION

Il n'existe pas encore de loi archivistique au Togo, en dehors des arrêtés n° 529 du 23 septembre 1937 et n° 241.DG du 15 mai 1945 portant création du service des Archives¹.

Les règlements en vigueur sont ceux appliqués dans les territoires de l'ex-Afrique occidentale française².

Daniel AKAKPO,
*Chef du service des Archives et de la Documentation
à la Présidence de la République, Lomé.*

1. *Infra*, p. 138.

2. Cf. l'AG n° 5065 IFAN du 9 juillet 1953, *supra*, p. 42-46.

Arrêté du 23 septembre 1937

Création du service de la Documentation générale¹

ARTICLE PREMIER. — Il est créé au Togo un service de la Documentation générale qui a pour but :

- 1° de rechercher dans les musées, les archives, les bibliothèques, les collections scientifiques, la documentation nécessaire à la connaissance et à l'étude des questions intéressant le territoire ;
- 2° de susciter et de promouvoir les travaux de toutes natures se rapportant aux diverses activités locales.

Il est placé sous l'autorité du chef du service de l'Enseignement.

ART. 2. — Le service de la Documentation générale est divisé en 3 sections :

- 1° Section Bibliothèques ;
- 2° Section Archives ;
- 3° Section Musées et collections scientifiques.

Le nombre des sections pourra être modifié par arrêté du Commissaire de la République.

ART. 3. — [Entrée en vigueur.]

Arrêté du 15 mai 1945

Création d'un Centre local IFAN [Institut français d'Afrique noire]²

ARTICLE PREMIER. — Il est créé dans le territoire du Togo un Centre local IFAN dont les attributions et le fonctionnement sont déterminés ci-après.

ART. 2. — Le Centre local assure le fonctionnement des diverses activités de l'IFAN. Il y exécute les recherches prescrites par le directeur de l'IFAN, sert de point d'attache au personnel du Centre fédéral en tournée dans la colonie comme aux chargés de mission officiellement agréés par l'IFAN, constitue l'organisme de liaison entre les correspondants locaux et entre ceux-ci et le Centre fédéral.

ART. 3. — Le Centre local assure la gestion, l'entretien, le classement et l'accroissement du fonds d'archives et de la bibliothèque du territoire, rattachés à l'IFAN. Il assure la gestion, l'entretien, le classement et l'accroissement d'un musée local, historique, ethnologique et scientifique. Il peut organiser des expositions temporaires, des cours ou des conférences sur des sujets ayant trait au programme général de l'IFAN.

ART. 4. — Le Centre local constitue, à l'échelle du territoire, un Centre de documentation scientifique établi sur le même plan que celui du Centre fédéral.

ART. 5-7. — [Rôle de ce Centre en matière de monuments historiques et objets d'art.]

ART. 8. — [Personnel.]

ART. 9. — Le service de la Documentation générale créé par l'arrêté n° 529 du 23 septembre 1937 est rattaché au Centre local IFAN.

ART. 10-12. — [Mise à la disposition du Centre du personnel, du matériel et du local du service de la Documentation générale.]

ART. 13. — [Exécution.]

1. Journal officiel du Togo, n° 336, 16 octobre 1937, p. 493.

2. Journal officiel du Togo, n° 524, 1^{er} juin 1945, p. 284-285.

TUNISIE

L'organisation scientifique des Archives en Tunisie date du milieu du XIX^e siècle. Jusqu'à cette période les dépôts des papiers de l'Etat subissaient les aléas des changements de titulaire sur le trône et des changements de résidence des souverains tunisiens. La modernisation de l'Etat entreprise par les beys depuis l'avènement d'Achmed Bey en 1837 eut pour conséquence d'augmenter considérablement la masse des documents administratifs et de poser d'une manière urgente le problème de la conservation des documents administratifs. Une organisation des Archives devint nécessaire. Entreprise dès la promulgation de la Constitution tunisienne en 1861, cette organisation prit sa forme actuelle sous le gouvernement du général Khéridine (1873-1877). Le service des Archives rattaché au Premier ministère réunit alors et classa la plupart des papiers de l'Etat.

Au début du protectorat français, en 1881, les autorités françaises donnèrent une nouvelle impulsion au service des Archives. Celui-ci, dénommé service des Archives générales, fut rattaché au Secrétariat général du gouvernement tunisien et confié à des Levantins qui connaissaient l'arabe et le français. Puis le colonel Mohamed Karoui fut nommé pour une très longue période chef du service des Archives générales ; c'est à lui qu'on doit le classement actuel des archives antérieures à 1881.

Au lendemain de l'indépendance de la Tunisie en 1956, le gouvernement tunisien rattacha au service des Archives générales les archives de la Présidence du Conseil pour la période du protectorat (1881-1955). Ces archives sont souvent dites « archives de la Section d'Etat ».

Statut des Archives en Tunisie. — Il n'existe pas en Tunisie de texte législatif ou de règlement concernant les archives, mis à part les stipulations du Code pénal sur le vol, le détournement et la destruction des documents administratifs. Mais il existe un certain nombre de règles suivies par le service des Archives depuis plusieurs décades. Nous pouvons énoncer ces règles comme suit :

1° Il n'existe pas en Tunisie d'Archives nationales, c'est-à-dire de dépôt unique pour toutes les archives de l'Etat. A l'exception des archives anciennes, datant d'avant 1881, qui sont détenues par les Archives générales, la règle est que chaque département et chaque administration détient ses propres archives. Il s'ensuit que le problème du versement ne se pose pas.

2° Les archives des différents départements sont ouvertes aux chercheurs, compte tenu de la prescription cinquantenaire. Notons que, depuis l'indépendance, des assouplissements ont été apportés à l'application de cette règle : il est pratiquement possible de consulter les archives jusqu'en 1940. Pour les archives mettant en question la sécurité de l'Etat et l'honneur des familles, le chef de chaque département dispose d'un pouvoir discrétionnaire d'interdiction d'accès.

3° Toutes facilités sont accordées aux chercheurs pour photocopier, microfilmer, etc., les archives.

Contenu des Archives générales. — Les Archives générales sont actuellement constituées par deux fonds : les archives historiques, antérieures à 1881, et les archives de la Section d'Etat.

1° *Les archives historiques.* Elles sont classées et inventoriées en totalité. Elles sont formées par 300 grands cartons groupant 3 000 dossiers, ainsi que 4 000 registres. L'ensemble est disposé en sept parties :

- a) souverains et hauts dignitaires tunisiens ;
- b) gouvernement et administration tunisiens ;
- c) administration financière ;
- d) registres fiscaux et administratifs (au nombre de 4 000) ;
- e) justice tunisienne ;
- f) ministères de la Guerre et de la Marine ;
- g) ministère des Affaires étrangères.

2° *Les archives de la Section d'Etat.* Classées et inventoriées en grande partie, elles sont réparties en sept sections :

- a) Section A : administration locale ;
- b) Section B : les amins (ou syndics agricoles et de métier) ;
- c) Section C : les habous (ou biens de mainmorte) ;
- d) Section D : le culte (musulman et israélite) ;
- e) Section E : administration centrale ;
- f) Section F : famille beylicale et Affaires étrangères ;
- g) Section G : décrets, maaroudhs et circulaires.

Moncef DELLAGI,
Chef des Archives générales, Tunis.

ZAÏRE¹

Règlement du 18 décembre 1954

Les Archives du Congo²

Définition

ARTICLE PREMIER. — Le présent règlement s'applique aux Archives du Congo.

ART. 2. — Il faut entendre par archives en général tout document (registre, dossier, pièce) dressé ou reçu par un service ou un fonctionnaire dans l'exercice de ses fonctions, et destiné à être conservé par ce service ou ce fonctionnaire (circ. n° 93/16 du 1^{er} mars 1950).

Ces documents sont la propriété exclusive du gouvernement (circ. n° 4 du Secrétariat général, 6 février 1920, *Recueil mensuel*, 1920, p. 22).

ART. 3. — Il faut entendre par service de provenance le service qui a traité ces archives en vertu de ses attributions ou le service auquel ces archives sont dévolues en vertu de modifications dans l'organisation administrative.

Versement. Restitution

ART. 4. — Lorsqu'un service de l'Administration désire verser des archives au service des Archives nationales, elles sont examinées par l'archiviste principal ou son délégué qui donne les instructions nécessaires pour la préparation matérielle du versement (mise en portefeuille, épaisseur des portefeuilles, etc.). Les archives versées sont accompagnées d'un bordereau, établi par le service de provenance en deux exemplaires dont l'original, après signature pour réception conforme par l'archiviste principal ou son délégué, est retourné au service qui a opéré le versement.

Le bordereau indique les numéros d'ordre du versement, les numéros du classement des dossiers ou registres, leur contenu sommaire, les années d'ouverture et de clôture, le numéro d'ordre des portefeuilles. L'archiviste principal ou son délégué y ajoute en outre la cote de rangement provisoire.

ART. 5. — Le service de provenance peut demander que les archives versées lui soient restituées en tout ou en partie. Dans ce cas, mention de la restitution est faite sur la copie du bordereau de versement.

1. Ex-République démocratique du Congo, ainsi dénommée depuis le 27 octobre 1971. — Textes communiqués par M. Philippe LIPEPELE, sous-directeur, chef des Archives nationales du Zaïre, Kinshasa-Gombe.

2. *Bulletin administratif du Congo belge*, 1954, p. 1883. Version résultant des Modifications au règlement sur les Archives du Congo belge (*ibid.*, n° 16, 21 avril 1958, p. 783).

Destruction

ART. 6. — L'agent chargé de l'inventaire des archives versées élimine les doubles et veille à leur destruction. Il élimine également les archives dont la conservation n'est pas exigée par leur intérêt historique ou administratif. Il veille à leur destruction après avoir pris l'avis du service de provenance.

Il établit un état sommaire des archives détruites.

Communication

ART. 7. — Sur demande du chef de service de provenance ou son délégué, l'archiviste principal ou son délégué lui communique pour une durée d'un mois les archives versées. Ce délai peut être prolongé. Les chefs des autres services peuvent également obtenir communication des archives versées, sur avis conforme du service de provenance.

ART. 8. — Toute personne peut demander communication des pièces d'intérêt privé que le service des Archives nationales conserve, pourvu qu'elle justifie qu'elle est intéressée en nom direct, ou à titre d'héritier ou d'ayant droit, à en prendre connaissance.

Cette communication est donnée uniquement sur place. L'archiviste principal peut délivrer copie certifiée conforme de ces pièces.

ART. 9. — § 1. Les documents administratifs versés aux dépôts d'archives peuvent être librement communiqués au public lorsqu'ils ont quarante ans de date.

Toutefois le secrétaire général ou son délégué en ce qui concerne les archives du gouvernement général (central), les secrétaires provinciaux ou leur délégué en ce qui concerne les archives des provinces, et les premiers bourgmestres ou leur délégué en ce qui concerne les archives des villes et communes, peuvent interdire la communication aux particuliers de tout document, quelle qu'en soit la date, lorsque cette communication présenterait des inconvénients au point de vue administratif.

Les archives judiciaires ne sont communiquées qu'avec l'autorisation du procureur général.

Les documents déposés ou donnés sous réserve aux Archives par des particuliers ne sont communiqués que dans les conditions indiquées par les déposants ou donateurs.

§ 2. Le secrétaire général ou son délégué en ce qui concerne les archives du gouvernement (central), les secrétaires provinciaux ou leur délégué en ce qui concerne les archives des provinces, les premiers bourgmestres ou leur délégué en ce qui concerne les archives de villes et communes, sur avis du service de provenance et de la section Archives nationales peuvent autoriser la communication d'archives n'ayant pas quarante ans de date à des chercheurs chargés de mission par les ministres ainsi qu'aux chercheurs introduits par des établissements de recherche scientifique ou d'enseignement supérieur congolais.

§ 3. Les lecteurs congolais peuvent être requis de justifier leur identité. Les étrangers ne sont admis à faire des recherches dans les dépôts d'archives que s'ils sont introduits par les agents diplomatiques de leur pays.

Les personnes autorisées à consulter les archives sont tenues de faire connaître l'objet précis de leurs recherches.

§ 4. La communication des archives est donnée uniquement sur place, sauf dispense régulièrement accordée par le secrétaire général ou son délégué¹.

ART. 10. — Les archives en mauvais état de conservation et les pièces originales, précieuses par leur rareté et leur importance, ne sont pas communiquées en dehors. L'archiviste principal décide de ce caractère.

1. La version de cet article résulte des Modifications au règlement sur les Archives du Congo belge (*loc. cit.*).

ART. 11. — En cas de communication, l'archiviste principal ou son délégué s'assure que les archives communiquées soient estampillées et numérotées.

ART. 12. — Les personnes qui demandent des archives en communication rempliront lisiblement un bulletin de prêt, qui leur est rendu comme décharge à la remise des archives communiquées.

ART. 13. — Les personnes auxquelles des archives ont été communiquées sont responsables de la perte ou de la détérioration de celles-ci. Elles doivent éviter que les archives ne soient endommagées, dégradées ou lacérées par leur fait ou leur négligence. Lorsqu'elles reçoivent des liasses en communication, elles doivent laisser chacune des pièces à sa place.

Aucun document ne peut être reproduit par calque, fac-similé ou procédé quelconque sans l'autorisation expresse de l'archiviste principal. L'état des archives communiquées est vérifié dès le retour par l'archiviste principal ou son délégué.

Sanction

ART. 14. — Il n'en sera plus confié à quiconque ne les aura pas rendues ou les aura rendues en mauvais état, et ce sans préjudice des dommages et intérêts qui pourront être réclamés au nom du gouvernement.

Dispositions diverses

ART. 15. — Nulle personne étrangère au service des Archives nationales ne peut être introduite dans les locaux où sont conservées les archives sans la permission de l'archiviste principal.

Circulaire n° 93/2 du 7 janvier 1959

Les versements d'archives¹

Afin de permettre au service des Archives du Congo de constituer des séries complètes de certains documents importants pour l'étude de l'évolution du Congo et d'en assurer la conservation matérielle dans d'aussi bonnes conditions que possible, il est décidé ce qui suit :

1° Les publications de tous les services administratifs, judiciaires et militaires relevant de la haute autorité du gouverneur général sont déposées en un exemplaire aux Archives du Congo.

Il faut entendre par « publication », des documents reproduits en nombre et destinés à être diffusés dans le public : périodiques (journaux, revues, bulletins, bulletins de liaison, bulletins d'information, etc.), livres et brochures avec leurs mises à jour ou leurs suppléments — à l'exception des cahiers de charge spéciaux —, cartes géographiques destinées au public.

2° Doivent également être déposés aux Archives du Congo les documents administratifs suivants, non destinés au public : règlements, recueils d'instructions des services, circulaires, cartes géographiques destinées seulement à l'Administration.

1. Recueil des circulaires du Congo belge, 1959, p. 3.

3° Le directeur du Secrétariat général ou son délégué est autorisé à donner l'ordre aux services d'Afrique de verser aux Archives du Congo un exemplaire de certains documents administratifs importants et reproduits en nombre : procès-verbaux de conseils ou de commissions en premier lieu.

4° Les documents mentionnés ci-dessus, édités séparément en plusieurs langues, seront déposés en un exemplaire de chacune de ces éditions.

5° Les envois seront adressés à : Archives nationales, BP 3428-42, avenue Valcke, Léopoldville-Kalina¹.

6° Les Modifications au règlement sur les Archives du Congo² [...] fixent les conditions de consultation des documents versés aux Archives en vertu de la présente circulaire.

1. Actuellement : BP 3428, Kinshasa-Gombe.

2. Cf. *supra*, p. 142.

ZAMBIE¹

Printed Publications Ordinance, 1964²

1. *Short title.* — This Ordinance may be cited as the Printed Publications Ordinance.

2. *Interpretation.* — In this Ordinance, unless the context otherwise requires—
“Archivist” means the Archivist appointed in terms of section three of the National Archives Act, 1958;

“book” includes every part or division of a book, pamphlet, newspaper, sheet of letterpress, sheet of music, map, plan, chart or table separately published;

“editor” shall include the person or persons actually and finally responsible for the collation or inclusion in any newspaper of the contents thereof, whether such person or persons are expressly employed for such purposes or not;

“Minister” means the Minister of Home Affairs;

“newspaper” means any periodical publication published at intervals of not more than one month and consisting wholly, or for the greater part, of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, and with or without illustrations, but shall not include any publication which is proved not to be intended for public sale or public dissemination;

expressions referring to printing shall be construed as including references to any other means of representing or reproducing words in visible form by impressing one material on another³.

3. *Imprint on books printed and published in Zambia.* — [...]

4. *Delivery of books published in Zambia to the Archivist.*

(1) The publisher of every book published in Zambia shall, within two months of the publication, deliver at his own expense a copy of the book to the Archivist at Lusaka, who shall give a written receipt for every copy received by him.

(2) Every copy delivered under the provisions of this section shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewn or stitched together, and on the best paper on which the book is printed.

(3) If any publisher fails to comply with the provisions of this section, he shall be guilty of an offence and liable to a fine not exceeding twenty pounds. When any person is convicted of such offence, the court may, in addition to imposing a penalty, order the person so convicted

1. Texts procured by Mr. D. E. STILES, Acting Director, National Archives, Lusaka. — See also, *supra*, p. 111.

2. *Laws of the Republic of Zambia*, vol. VI, edition 1965, chapter 154.

3. As amended by No. 13 of 1956 and GN Nos. 110 and 304 of 1964.

to comply with the provisions of this section by delivering a copy of the book to the authority to whom delivery ought to have been made. The court may, instead of making such order, impose a further fine not exceeding the amount of the published price of the book.

(4) The provisions of this section shall not apply to any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints or other illustrative material belonging thereto.

(5) The Minister may make rules excepting from the provisions of this section publications wholly or mainly in the nature of trade advertisements or such classes of such other publications as may be specified in the rules, and thereupon it shall not be necessary for the publisher of any publication so excepted to deliver a copy of such publication to the authority mentioned in subsection (1) of this section unless, as respects any particular publication, a written demand for the delivery thereof is made by such authority¹.

5. *Registration of newspapers.*

(1) No person shall print or publish or cause to be printed or published any newspaper until there has been registered at the office of the Archivist at Lusaka the full and correct title thereof and the full and correct names and places of abode of every person who is or is intended to be the proprietor, editor, printer or publisher of such newspaper, and the description of the premises where the same is to be published. Every alteration in such particulars shall forthwith be registered in like manner.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds².

6. *Certified extracts from register to be received in evidence.*

(1) It shall be the duty of the Archivist to keep a register in which shall be entered the particulars mentioned in the last preceding section.

(2) Any person wishing to obtain an extract from such register, signed by the Archivist, showing the particulars therein contained in regard to any newspaper, shall be entitled to obtain the same on application to the Archivist and on payment of a fee of two shillings and six pence for every such extract. [...]

National Archives Act, 1969³

PART I

Preliminary

1. *Short title.* — This Act may be cited as the National Archives Act, 1969.

2. *Interpretation.* — In this Act, unless the context otherly requires—

“Director” means the Director of National Archives of Zambia appointed as such under the provisions of subsection (1) of section *five*;

1. As amended by GN Nos. 110 and 304 of 1964.

2. As amended by No. 13 of 1956 and GN No. 110 of 1964.

3. *Government Gazette of the Republic of Zambia*, No. 540, 14th November 1969, vol. V, No. 111.

“judicial records” means all records of court which—

(a) are in the custody of any court or of any officer of any court in his capacity as such; or

(b) have been transferred to the National Archives of Zambia established under the provisions of this Act or any previous law;

“Minister” means the Minister for the time being responsible for the National Archives;

“National Archives” means the National Archives of Zambia established under the provisions of section *three* and includes a place of deposit;

“previous law” means the law relating to national archives in force within the former Protectorate of Northern Rhodesia or within the Republic prior to the commencement of this Act;

“place of deposit” means a place of deposit declared as such under section *four*;

“public archives” means—

(a) all public records which—

(i) are specified by the Director as being of enduring or historical value; and
(ii) have been transferred to the National Archives of Zambia established under the provisions of this Act or previous law;

(b) any records, document or other material acquired for the National Archives of Zambia in terms of paragraph (h) of subsection (2) of section *five* or in terms of similar provisions of the previous law;

“public records” means—

(a) any records of the Government which—

(i) are in the custody of the Government; or
(ii) have been transferred to the National Archives of Zambia under the provisions of section *nine* of this Act or under similar provisions of the previous law;

(b) any records of a corporation, society, association, institution or organization which is prescribed by the Minister by statutory instrument and which—
(i) are in the custody of such corporation, society, association, institution or organization; or

(ii) have been transferred to the National Archives of Zambia under the provisions of section *nine*;

(c) any judicial records;

“records” includes papers, documents, registers, printed materials, books, maps, plans, drawings, photographs, micro-films, cinematograph films, sound recordings, photocopies, negatives and positives of pictures.

PART II

National Archives and places of deposit

3. *Establishment of National Archives of Zambia.* — There is hereby established the National Archives of Zambia wherein shall be stored and preserved public archives other than those which are to be kept in some other place of deposit under the provisions of this Act.

4. *Other places of deposit.*

(1) If it appears to the Minister that facilities exist for the safe-keeping and preservation

of public records and their inspection by the public in some place other than the National Archives and that convenience so requires, he may, with the arrangement of the authority responsible for that place, declare by statutory instrument that place to be a place of deposit for public records of a particular category or particular categories.

(2) Where the Minister declares any place to be a place of deposit for any category or categories of public records, such records of such category or categories which are selected for preservation shall be transferred to and preserved in that place of deposit in lieu of the National Archives and, in relation to such records, the provisions of this Act shall have effect accordingly.

PART III

Director of National Archives and custodians of place of deposit

5. Director of National Archives of Zambia.

(1) There shall be a Director of National Archives of Zambia who shall be a public officer and who shall be responsible for the carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Director—

- (a) shall direct, manage and control the National Archives;
- (b) shall preserve, describe and arrange all public archives;
- (c) shall accept and store any public records which are transferred to the National Archives;
- (d) may, if in his opinion it is necessary for their better preservation, bind or repair any public archives;
- (e) shall, at the request of a Government department, examine any public records in the custody of such department and advise such department as to the care and custody thereof;
- (f) shall, at the request of a corporation, society, association, institution or organization which is prescribed by the Minister by statutory instrument, examine any public records in the custody of such corporation, society, association, institution or organization and advise it as to the care and custody thereof;
- (g) may reproduce or publish such public archives as he may think fit:
Provided that in the case of public archives falling within paragraph (b) of the definition of "public archives" no such reproduction or publication shall take place without the consent of the person from whom such archives were acquired;
- (h) may acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director is or is likely to be of enduring value;
- (i) may compile, make available and publish indices and guides to public archives in the National Archives;
- (j) may prepare publications concerning the activities of and the facilities provided by the National Archives;
- (k) may regulate the conditions under which members of the public may inspect public archives in, or use the facilities of, the National Archives;
- (l) may provide for the making and authentication of copies of and extracts from public archives in the National Archives required as evidence in legal proceedings or for other purposes;

- (m) may lend public archives in the National Archives for display at commemorative exhibitions or for other special purposes;
- (n) may perform such other functions as are necessary for the purpose of the direction, management and control of the National Archives.

6. Custodians of places of deposit and powers of the Director in respect of such places.

(1) Where the Minister declares any place of deposit under section four, he shall make arrangements with the authority responsible for that place for the appointment as occasion may require of a suitable person as custodian of the public archives kept therein.

(2) A person appointed custodian of the public archives in any place of deposit shall, subject to the direction of the Minister and to the supervision and instructions of the Director, have the charge of, and be responsible for the preservation of, the public archives therein.

(3) The Director shall have access to every place of deposit, may exercise, in relation to any place of deposit and to the public archives therein, the functions and powers conferred on him by this Act in relation to National Archives and the public archives therein, and may delegate to the custodian of the public archives in any such place any of such functions and powers other than the power of affixing the seal of the National Archives.

7. Seals.

(1) There shall be an official seal of the National Archives of a design approved by the Minister.

(2) The seal of the National Archives shall be kept in the custody of the Director and may be used for the purposes of the National Archives and for the purposes of any place of deposit for which no separate seal is provided.

(3) The Minister may approve an official seal for the purposes of any place of deposit and any such seal shall be kept in the custody of the custodian of the public archives in that place.

(4) The official seal of the National Archives and any seal provided under this Act for the purposes of any place of deposit shall be judicially noticed.

8. *Secrecy.* — Where there are transferred to the National Archives or any place of deposit any public records containing information the disclosure of which is, by written law, prohibited or limited to certain purposes, the Director, the custodian of the public archives in such place and every member of the staff of the National Archives or such place who has access to such records shall take such oath or make such declaration relating to secrecy, with such modifications as the circumstances require, as is required by the relevant written law to be taken or made by persons having access to such records prior to their transfer; and every person who takes such oath or makes such declaration shall, for the purposes of any provisions of such written law making punishable any disclosure in contravention of the written law, be deemed to be a person employed in carrying out the provisions of the relevant written law.

PART IV

Selection of and access to Archives

9. Selection and preservation of public records and transfer to the National Archives.

(1) Subject to the provisions of subsection (2), the Director and any officer of the National Archives authorised by him shall have power to examine public records which have not been transferred to the National Archives and select those which ought to be preserved and transferred to the National Archives.

(2) Nothing in this section or section *five* shall be deemed to empower the Director or any officer authorised by him to inspect any public records that are classified as secret or confidential, except with the consent of the authority having the custody thereof.

(3) Subject to the provisions of subsection (2), it shall be the duty of every person responsible for or having the custody of public records which have not been transferred to the National Archives—

- (a) to afford the Director and any officer authorised by him in that behalf appropriate facilities for examination and selection as mentioned in subsection (1); and
- (b) to provide for the assemblage and safe-keeping, in accordance with any regulations made under this Act and the directions of the Director, of those public records which are selected for preservation and public records, whether or not examined by the Director or any officer authorised by him, which the Director has directed shall be preserved, pending their transfer to the National Archives.

(4) Public records selected by the Director shall be transferred to the National Archives or a place of deposit as the Director shall direct:

Provided that, subject to the approval of the Minister, the transfer of any such records to the National Archives or the place of deposit may be withheld for the time being if, in the opinion of the person having the custody thereof, the said records are required for administrative purposes or ought to be retained for any other special reason and appropriate provision will be made for the preservation of such records.

10. *Destruction of archives and public records.* — If as respects any public archives in the National Archives or public records selected for, but not transferred to, the National Archives it appears to the Director that the same is duplicated or that there is some other special reason why the archives or records should not be preserved, he may, with the approval of the Minister and of such other Minister or other person, if any, who appears to the Minister to be primarily concerned with public archives or records of the category in question, authorise the destruction of such archives or records or, with such approval, their disposal in any other way:

Provided that nothing in this section shall authorise or empower the Director to authorise the destruction or disposal of any public archives obtained otherwise than by transfer under section *nine* contrary to terms or conditions on which they were obtained or if they were obtained by gift, during the lifetime of the donor without his consent.

11. *Access to public archives.*

(1) Subject to any written law prohibiting or limiting the disclosure of information obtained from members of the public and to the provisions of this section, public archives which have been in existence for a period of not less than twenty years may be made available for public inspection and it shall be the duty of the Director to provide reasonable facilities at such times and on the payment of such fees as may be prescribed by regulations made under this Act for the public to inspect or obtain copies or extracts from public archives in the National Archives:

Provided that a donor of public archives other than public records shall be entitled to specify appropriate conditions for access to such archives.

(2) Notwithstanding the provisions of subsection (1), the Minister may, in respect of any public archives or any category thereof certified to him by the person by whom, or in charge of the office from which, the records concerned were transferred to the National Archives that—

- (a) such public archives or category thereof ought not to be made available for public inspection, order that such public archives or category thereof shall not be made

available for public inspection or shall not be made available for public inspection until the expiration of such further period as may be specified in that or any subsequent order; or

(b) such public archives or category thereof may be made available for public inspection notwithstanding that such public archives have not been in existence for at least twenty years, order that any such public archives or category thereof be made available for public inspection.

(3) The Minister may delegate to the Director his powers under subsection (2) to afford, restrict or withhold access to public archives.

(4) Nothing in this section shall be construed—

- (a) as limiting any right of inspection of any records to which members of the public had access before their transfer to the National Archives; or
- (b) save to the extent provided by any such written law as is referred to in subsection (1), as precluding the Minister from permitting any person authorised by him to have access to any public archives or category thereof.

12. *Inspection of public archives.*

(1) Without the written authority of the Director, no person who is not an officer of the National Archives may inspect any public archives which—

- (a) have been transferred to the National Archives; and
- (b) (i) have been the subject of an order made by the Minister under the provisions of paragraph (a) of subsection (2) of section *eleven*; or
- (ii) have not been in existence for at least twenty years, unless they are the subject of an order made by the Minister under the provisions of paragraph (b) of subsection (2) of section *eleven*.

(2) Any person may inspect any public archives subject to—

- (a) the provisions of subsection (1); and
- (b) any condition or restriction imposed by the Director or the person from whom they were acquired.

(3) Subject to the provisions of subsections (1) and (2), the National Archives shall be open to the public for the inspection of public archives during such hours as may be fixed by the Director with the approval of the Minister.

PART V

Exportation and removal of archives and other documents

13. *Restriction of exportation or unauthorized removal of public archives, public records or judicial records.*

(1) No person shall export from Zambia any public archives except under and in accordance with the terms of a licence issued by the Director.

(2) No person shall remove—

- (a) any public archives from the National Archives without the written permission of the Director;
- (b) any public records selected for, but not transferred to, the National Archives from its place of custody without the written permission of the Director or the person in whose custody the same is kept.

(3) A licence issued or a permit granted under the provisions of this section shall specify each record to which the licence or permit relates and may contain such conditions as to the custody, use, preservation and return of the record as the Director or other person granting the same thinks fit.

(4) Any person who contravenes the provisions of subsection (1) or (2) or fails to comply with the conditions of any licence issued or permit granted to him under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred kwacha or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) Nothing in this section shall apply to the removal from its place of custody of a public record selected for, but not transferred to, the National Archives by any person in the service of the Government or otherwise employed in the office in which the same is kept in the course of his duties.

14. Declaration of historical records.

(1) If the Director is satisfied that any record which is in, and was made in, Zambia is of historical value to Zambia, he may, by notice published in the *Gazette* or by writing under his hand served on the person having the custody of such record, declare the record to be an historical record the export from Zambia of which is prohibited except under and in accordance with the terms of a licence issued by the Director.

(2) A licence issued for the export of an historical record declared as such under this section shall contain a description of the record sufficient to identify it and may contain such conditions as to the custody, use, preservation and return of the record as the Director thinks fit.

(3) Any person who—

(a) knowing any record to be declared an historical record under this section, exports or attempts to export the same from Zambia without the licence of the Director; or
(b) fails to comply with the conditions of any licence issued to him under this section; shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred kwacha or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) Any person aggrieved by the declaration of any record as an historical record under this section may appeal to the Minister and the decision of the Minister on any such appeal shall be final. Where the Minister allows an appeal under this section, the Director shall forthwith revoke the declaration.

PART VI

Validity, evidence and copyright

15. *Legal validity of public records.* — When it is a requirement of the validity of any public record that it be kept in or produced from legal custody, the validity of such record shall not be affected by its transfer from the appropriate office to the National Archives.

16. *Authentication of copies.* — A copy of or extract from any record in the National Archives purporting to be duly certified as true and authentic by the Director, by any officer of the National Archives authorised in that behalf by him, or by the custodian of the public archives in any place of deposit where such record is kept, and authenticated by having impressed thereon the official seal of the National Archives or of the place of deposit, shall be admissible in evidence if the original record would have been admissible in evidence in any proceedings.

17. *Copyright.* — Where any work in which copyright subsists, or a reproduction of such work, is comprised in any public archives which are open for public inspection in accordance with the provisions of this Act, the copyright in the work is not infringed by the making, or the supplying to any person, of any reproduction of the work by or under the direction of the Director:

Provided that, in its application to any archive obtained otherwise than by transfer to the National Archives in accordance with section *nine*, the foregoing provisions of this section shall have effect subject to any express terms or conditions under which the same was obtained.

18. *Reproduction of public archives.*

(1) Subject to the provisions of subsection (2), no person may publish or reproduce the whole or any part of the contents of any public archives or records which have been transferred to the National Archives except—

(a) in the case of public archives mentioned in paragraph (a) of the definition of “public archives”, with the written permission of the Director and in accordance with such conditions as the Director may impose;

(b) in case of public archives mentioned in paragraph (b) of the definition of “public archives”, with the written authority of the person from whom such archives were acquired.

(2) The provisions of subsection (1) shall not apply in relation to judicial records.

(3) Any person who contravenes the provisions of subsection (1) or fails to comply with any conditions therein referred to shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred kwacha or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(4) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

PART VII

Miscellaneous

19. *National Archives Advisory Council.*

(1) There shall be established a Council to be called the National Archives Advisory Council, which shall consist of the Director as chairman and five other members to be appointed by the Minister.

(2) A member of the National Archives Advisory Council shall hold office for such time as the Minister may direct and shall receive no remuneration for his services.

(3) The functions of the National Archives Advisory Council shall be to advise the Minister on all matters relating to the retention or destruction of public records, transfer of public records to the National Archives, access by members of the public to the public archives and the services of the National Archives and on such other matters relating to the public archives and to historical records as the Minister may refer to the Council.

(4) Three members of the National Archives Advisory Council shall form a quorum at any meeting of the Council.

(5) The National Archives Advisory Council shall determine its own procedure.

20. *Offences and penalties.* — Any person who contravenes any provision of this Act for which no special penalty is provided shall be guilty of an offence and shall be liable on conviction

to a fine not exceeding one hundred kwacha or, in default of payment, to imprisonment for a period not exceeding three months.

21. *Power to make regulations.*

(1) The Minister may make regulations for any matter which may be prescribed in terms of this Act and generally for the better carrying out of the objects and purposes of this Act.

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may make regulations providing for—

- (a) the admission of the public to the National Archives and the inspection by the public of the public archives;
- (b) the transfer of any public records to the National Archives;
- (c) responsibilities of public officers for the custody of public records;
- (d) the conditions under which documents in the National Archives may be reproduced or published or extracts made therefrom;
- (e) the fees to be paid for the use of the facilities of the National Archives and for any service provided by the Director; and
- (f) the preservation and protection of public archives.

22. *Repeal of former Act.* — [...]

23. *Amendment of written law.* — [...]

II

ASIE

AFGHANISTAN

Il n'existe actuellement aucune législation archivistique en Afghanistan¹.

1. Renseignement transmis en juillet 1971 par le Dr Sultan Hamid ZEKRIA, conseiller à l'Ambassade royale d'Afghanistan à Paris.

ARABIE SÉOUDITE

Il n'existe actuellement aucune législation archivistique en Arabie séoudite¹.

1. Renseignement fourni en mai 1971 par M. S. A. BABSALL, directeur des Archives centrales d'Arabie séoudite.

CEYLAN

INTRODUCTION

The National Archives in Ceylon have no Archive Law so far. The department continues to receive accessions from Central Government offices in terms of the provisions contained in the Ceylon Manual of Procedure¹.

A draft legislation for a National Archive Act was submitted to the Cabinet in 1970 and approval was obtained in principle, but due to a change of government in that year the law was not adopted. It has been again submitted to the new Government for approval.

The draft legislation submitted for approval seeks to enlarge the activities of the department, now confined to the preservation of records of the Central Government, in order to include also local government archives and business and private archives.

It also seeks to restrict the export of valuable manuscripts out of Ceylon, and to make the department of National Archives the legal depository for all printed material in the country and, as such, administrator of the Ordinances governing the registration of printing presses, publications, and newspapers.

A. DEWARAJA,
Director, National Archives of Ceylon,
Colombo.

1. Cf. *infra*, p. 162.

Manual of Procedure

[Only parts of Section 9 deal with records.]

SECTION 9

Preservation and destruction of documents

87. — These lists [of documents proposed for destruction] should in the first instance be forwarded to the Historical Manuscripts Commission, who will go through them to ensure that documents of historical importance will not be destroyed.

Note: the above Regulations will not apply to documents or groups of documents referred to in the Rules for the destruction of valueless documents approved by His Excellency the Governor on October 15, 1934, and embodied in the pamphlet published by Government in December, 1934. These Rules should be regarded as being in force and the list of documents to be sent to the Commission need not include any shown in these Rules. Similar codes of rules appearing in the different departmental orders may also be regarded as being in force provided they have been forwarded to the Historical Manuscripts Commission for scrutiny and have been approved.

88. — On receipt of the Commission's observations, the Head of Department will submit the lists for the approval of the Permanent Secretary to the Ministry before any documents are destroyed in accordance with the distinctions made in such lists.

89. — Subject to the preceding Regulations the following rules should be observed:—

- (i) A date should be fixed by each Department for the periodical destruction of useless documents.
- (ii) Documents should be destroyed only on the orders and on the responsibility of the Heads of Departments.
- (iii) A descriptive record giving the following information should be kept of all documents destroyed in any office:— (a) number and date of document or file; (b) subject; (c) period covered; (d) a short precis, if the contents do not deal with routine matters only; (e) reference to letter granting authority to destroy; (f) any other particulars of interest.
These descriptive records, which should be made in suitable registers, should never be destroyed.

- (iv) The following are some of the documents which should not be destroyed: documents above 50 years old; correspondence with the Colonial Secretary's Office prior to the establishment of the State Council; documents required by law to be preserved; documents of historical or other interest including those relating to the history, constitution, administration, etc., of the Department, appointments of officers, etc.; documents relating to land and claims thereto and to the value of land and property, especially Crown land, chenas, forests, etc.; Gazettes (except Part IV) in Kachcheries; documents enumerated in the Destruction of Valueless Documents Ordinance (Chapter 336) as not to be destroyed.

- (v) All documents above 50 years old should be transferred to the custody of the Government Archivist once in every period of five years, together with full and detailed lists of the documents transferred.

INDE

INTRODUCTION

The National Archives of India came into existence in 1891. Prior to that, every department of the Government of India used to look after its own records, and no uniform policy of archives administration could be either evolved or pursued. The existing arrangements in respect of public records whether they pertain to the Union or to the States, are mostly the result of executive action or long-standing usage and practice. Very rarely can they be attributed to any statutory obligation on the part of the public authorities concerned with them.

Curiously enough the necessity of concentration of records in one repository was not brought home to the authorities concerned until destruction of useless records became imperative. Records had accumulated quite beyond the storing capacity or the resources of the Government of India. It is no doubt true that the survival of the greater bulk of one category of public records *viz.* judicial and revenue are due to the obligation imposed on the then supreme executive by Regulations XVIII and XXI of 1793, of "preserving complete the records" respectively "of the civil and criminal judicatures" and of collectorates and other revenue authorities, and to the total ban placed by the same Regulations on the removal, dispersal or disposal of the records except with the approval of the competent authority. But these enactments affected a relatively small part of the totality of public records in the country, and left entirely out of their scope not only the archives of the highest tribunal in British India, but those of the Supreme as well as the Provincial Councils and all administrative bodies subordinate to them. Moreover, both these Regulations were repealed by Act XII of 1873, and since then the Indian Statute Book has practically ceased to have a law which places an obligation on any public authority in respect of its records.

In 1860, the Civil Auditor of the Government of India pointed out that routine records of minor interest must be weeded out. At the same time he observed that "the benefit of the proposed destruction... would not be fully obtained without the substitution of one Grand Central Archives for the existing record rooms attached to each office for the purpose of transferring to it for safe preservation all records that might be of value—the offices concerned only in keeping such records as would be required for current use". The plan of Central Records Repository was however abandoned in 1863, and the practice of retention of bulk of records by the Secretariat Offices continued.

In 1889, Prof. G. W. Forrest was placed on special duty by the Government of India to examine the records of the Foreign Office. In his report dated 17th August 1889, he deplored the fact that "the Government of India does not possess what the smallest State in Germany has, an Imperial Record Office, in which the ancient records of the State are arranged, calendared and catalogued on scientific principles". After pointing out how "ignorant and indifferent custodians, damp and white ants have led to the destruction of many records and how most valuable muniments were fast rotting away in the archives of the various departments", he recommended that all the records relating to the administration of the East India Company should be placed in one central record office.

Thus was the question of the establishment of a central record office again brought to the front. While all the members of the Governor General's Council recognised the urgency of preservation and systematic arrangement of ancient records, they could not agree about their ultimate destination. Eventually the Government of India sanctioned the appointment of the first Officer-in-Charge of the Records of the Government of India with effect from 11 March 1891. The work of transferring the records of the Home Department and the organization of the Library was completed by 19 June 1891. Gradually records of the other offices were also deposited in the Imperial Record Department—as it was earlier known—and this was located in the Secretariat building opposite the Government House at Calcutta. Though the capital of India was shifted to New Delhi in 1911, it was only in about 1936 that the Imperial Record Department was transferred to New Delhi. After India achieved independence in 1947, the Imperial Record Department was rechristened National Archives of India.

* * *

There have been several Central enactments which make it binding on certain public offices to keep and take care of documents lodged with them. Such enactments are:

- (i) Registration of Societies Act (XX) of 1860;
- (ii) The Indian Registration Act (XVII) of 1908;
- (iii) The Provident Insurance Societies Act (V) of 1912;
- (iv) Indian Life Insurance Act (VI) of 1912 (both replaced by Act (V) of 1935);
- (v) Indian Companies Act (VI) of 1912;
- (vi) The Indian Companies Act (VII) of 1913 (replaced by Companies Act I of 1956);
- (vii) The Official Trustees Act (VII) of 1913;
- (viii) Companies Act I, 1856;
- (ix) The Administrator General's Act (II) of 1913.

But even these statutes touch only a small fraction of the mass of records categorised as public and say next to nothing about the manner or method in which they are to be administered or disposed of.

The situation remained practically unchanged by the Destruction of Records Act of 1917, which extends almost to all categories of public records. Besides empowering the High Courts and Chief Revenue authorities in the States as well as the State Governments to dispose by destruction of any records deemed to be of ephemeral value lying in their respective possession or custody, the Act also invests the Central Government with power of disposal in respect of any records which are statutorily outside the jurisdiction of the authorities mentioned above. The statute does not affect in any way the power which, before its enactment, both the Central and the State Governments wielded and were exercising in respect of their own records by virtue of their executive authority. The Act furnishes only a statutory basis of this power so far as it relates to the disposal of Central or State Government records but does not oblige the authorities concerned to discharge any function in this respect.

Thus, so far as the Government obligation in respect of public records is concerned, the Indian Statute Book presents a complete blank. But this obligation is inferable from the value attached to public documents by the Indian Law of Evidence. Under this Law all public documents are admissible in evidence without their having to be proved by the usual tests. The last requirement would seem to make it almost obligatory that all public records should be kept either in the offices of origin or in those of their legitimate successors.

To take the records of the Indian Union, only a very small portion of these records consisting of the non-current records have actually been placed in the National Archives of India. Yet these retired records already cover over 25 linear Kilometres of shelf-space. The rest, which embraces, among others, the archival holdings of no less than 20 Ministries (relating, as a rule,

to comparatively recent dates) and the accumulations of 500 or more subordinate record creating bodies are lying with the owning agencies themselves. The departmental accumulations sometimes go back to a very early date.

* * *

The problems which public records in the States pose closely resemble those of the Union Archives. As in the case of Union Archives the problems which confront the custodians are those relating to the proper housing and upkeep of their records at every stage of their life-span—from the time of their coming into existence till their final disposal, their systematic review in order to strip them of their ephemeral components, and their retirement for permanent retention in a well-equipped repository, conforming to scientific standards.

These problems have been further complicated by the accelerated growth in volume which characterises modern records, a process which cannot be arrested without a radical change both in documentation and disposal practices.

There has been a growing awareness of the value of non-current records to both administrators and historians. With the progress of historical research and the growing realisation of the value of public records as source material for history, and the needless restrictions placed on access to scholars has led to a persistent demand for an Archival Law governing public records in India, since 1930. After India achieved independence in 1947, provision was made in the Constitution (entry 67 in List I of the 7th Schedule) which empowers the Union Government to legislate on "Ancient and historical monuments and records and archaeological sites and remains declared by or under law made by Parliament to be of national importance".

The problem of manuscript migration first received attention in this country in 1944 when the Research and Publication Committee of the Indian Historical Records Commission prepared its report on post-war reorganization of archives offices in India. In the course of that report the Committee made a strong recommendation for preventing export of historical manuscripts outside the country and pointed out the necessity for enacting a simple preventive law. In 1947 an Act called the Antiquities (Export Control) Act was passed. But the inadequacy of the measure came to be felt immediately as it was felt that the term 'Antiquity' had not been properly defined to include all classes of archives.

In 1957, a noted member of the Indian Historical Records Commission introduced a non-official bill in the Rajya Sabha entitled "Historical Records Bill" seeking to declare certain classes of records as of national importance and to provide for their proper preservation and management. While the measure elicited wide support, the Government of India felt that the subject should first be examined in depth by Committee of experts. Accordingly in 1959 was set up the Committee on Archival Legislation under the Chairmanship of Dr. Tarachand. Its report was submitted in December 1960. The Committee recommended that:

- "(i) Steps be taken to amend the Constitution by making suitable entry in the concurrent list to enable the framing of a single Central Law that would take care both of the Union and the State Archives.
- (ii) Pending the amendment proposed, separate archival laws be enacted for the Centre as well as for each of the States."

While there has been wide recognition of the need for reforms generally on the lines of the Committee's proposal, there has been little support for a constitutional amendment to enable framing of a single law to cover public records of both the Union and the State Governments. Any step to impose control on the State records is likely to be resented by local opinion, both official and unofficial. The constitutional changes brought about by the inauguration of Provincial Autonomy in 1937 has negated the central responsibility in respect of State Archives. Thus a measure applicable both to the Union and the State Governments cannot

Destruction of Records Act, 1917¹

be issued without an amendment in the Constitution. But it should be possible to have a common Archival Law applicable to the Union archives and such of the States as accord their consent under Article 252 (1) of the Constitution.

* * *

So far as the Government of India is concerned, several of the recommendations of the Committee on archival legislation have been given effect to by the issue of appropriate administrative instructions. But the major recommendation in respect of archival law has not yet been implemented. The question of law has been engaging the attention of the Ministry of Education in consultation with other departments, and possible alternatives have been examined. As it is not desirable to postpone any longer initiation of the major reform proposed by the Committee in respect of records of the Union Government, it is now (1972) being proposed that the Government of India should adopt a Policy Resolution, providing for the same objectives as of the Archival Law immediately. Apart from the reforms being beneficial, the experience gathered in the working of the Policy Resolution at the Centre would be an invaluable guide in framing the proposed Common Archival Law. Further the Policy Resolution would serve as a guide to the other State Governments wanting to introduce archival reforms by similar means.

The objectives underlying the issue of a Policy Resolution on archives can be briefly summarised as follows:

- (1) To bring home to all concerned the importance of proper record management;
- (2) To streamline the practices and machinery for record management in the National Archives as well as in the departmental record rooms;
- (3) To bring about uniformity of practice, as far as practicable, in regard to access to historical records;
- (4) To provide for effective guidance to the Ministries' Departments concerned with the management of public records.

It is felt that the Policy Resolution approved by the Central Cabinet will have considerable sanctity and also secure strict adherence to the principles enunciated in the Resolution. This will remove the existing anarchy in the archival field and demarcate precisely the respective spheres of the various authorities concerned and vest in a single Minister or a single organ of the Executive the sole responsibility in respect of overall supervision and coordination of the archival activities of all public offices under the Union.

(Miss) D. G. KESWANI,
Deputy Director, National Archives of India, New Delhi.

1. *Short title.*

- (1) This Act may be called the Destruction of Records Act, 1917.
- (2) It extends to the whole of India except Part B States.

2. *Definitions.* — [Repealed by the AO, 1937.]

3. *Power to certain authorities to make rules for disposal of documents.*

- (1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation.
- (2) The authorities shall be—
 - (a) in the case of documents in the possession or custody of a High Court or of the Courts of civil or criminal jurisdiction subordinate thereto,—the High Court;
 - (b) in the case of documents in the possession or custody of Revenue Courts and officers,—the Chief Controlling Revenue-authority, and
 - (c) in the case of documents in the possession or custody of any other public officer,—
 - (i) if the documents relate to purposes of a State, the State Government or any officer specially authorized in that behalf by that Government;
 - (ii) in any other case, the Central Government or an officer specially authorized in that behalf by that Government.

(3) Rules made under this section by any High Court or by a Chief Controlling Revenue-authority or by an officer especially authorized in that behalf by any State Government shall be subject to the previous approval of the State Government; and rules made by an officer specially authorized in that behalf by the Central Government shall be subject to the previous approval of the Central Government.

4. *Validation of former rules for disposal of documents.* — All rules and orders directing or authorizing the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a State Government, or with the approval of the State Government by any authority not empowered to make such rules under the Destruction of Records Act, 1879, shall be deemed to have had the force of law from the date on which they were made, and all such rules and orders now in force shall continue to have the force of law until they are superseded by rules made under this Act.

5. *Saving of certain documents.* — Nothing in this Act shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

6. *Repeals.* — [...]

Schedule. — [Repeal of Enactments.]

¹. Act No. 5 of 1917 (*Collection of the Acts passed by the Governor General of India in Council in the year 1917*), as amended by the AO 1937 (Adaptation of Laws Order, 1937, in *Orders in Council under the Government of India Act of 1935*, 1937, p. 369) and the AO 1950 (Adaptation of Laws Order, 1950, in *Orders issued under the Constitution of India*, 26th January 1950, p. 62).

Historical Research Rules, 1969¹

1. — Records in the National Archives up to December 12th, 1945, of Ministries mentioned below, are open for consultation:

- (i) Ministry of Home Affairs;
- (ii) Ministry of Commerce;
- (iii) Ministry of Education;
- (iv) Ministry of Information & Broadcasting;
- (v) Ministry of Works, Housing & Supply;
- (vi) Ministry of Petroleum & Chemicals;
- (vii) Ministry of Irrigation & Power;
- (viii) Ministry of Health, Family Planning and Urban Development;
- (ix) Ministry of Food, Agriculture, Community Development and Cooperation;
- (x) Ministry of Railways;
- (xi) Ministry of Steel, Mines & Metal (Deptt. of Mines and Metal);
- (xii) Ministry of Defence;
- (xiii) Ministry of Finance;
- (xiv) Ministry of Law (Legislative Department);
- (xv) Ministry of Tourism & Civil Aviation;
- (xvi) Ministry of Industrial Development & Company Affairs;
- (xvii) Departments of Communication and Rehabilitation.

2. — The records of the Ministry of External Affairs are open for consultation only if they are more than 30 years old. Foreigners, however, require permission of the Ministry of External Affairs for consulting its records.

3. — [Special rules for certain categories of records of the Ministries of Foreign Affairs, Defence and Home Affairs, relating to Jammu, Kashmir, NEFA, Sikkim, Bhutan and areas now comprising Pakistan, Nepal, Tibet, and China.]

4. — Records of the Department of Revenue and Insurance, Ministry of Finance (Central Board of Excise & Customs) are not open if they concern Imports, Exports, Smuggling, etc. Investigation files pertaining to Central Board of Direct Taxes of any period are also not open, including those relating to Tax evasion, disclosures, settlements, records of the Income Tax Investigation Commission, Rewards, Informers, etc.

5. — Records of the remaining Ministries/Departments not mentioned in para 1 & 2 are open to inspection thirty years after their creation.

6. — Any research worker desiring access to records which are not open may send his application to the Department or Ministry concerned through the Director of Archives.

7. — Requests for consulting maps in the custody of the National Archives should be made in writing to the Director of Archives stating therein the purpose, subject and period of research.

8. — Records are generally open for consultation only by *bona fide* research scholars. The following are accepted as *bona fide* research scholars:

- (i) Ordinary & Corresponding Members of the IHRC.
- (ii) Vice-Chancellors, Pro-Vice-Chancellors, Professors and Readers of a recognised University in India.
- (iii) Post-Graduate research workers of a recognised University, who produce a certificate

from the Vice-Chancellor or the appropriate Professor of their University, or the Principal of a Post-Graduate college, or any further evidence that the Director of Archives may consider necessary.

Note: Indian scholars working in foreign Universities do not fall within the purview of Rule 8 (iii) above.

(iv) Any official of the Government of India accepted by the Director of Archives as a research scholar, when the work is undertaken with the approval of the Head of the Department of the applicant.

(v) Any other person accepted by the Ministries concerned as a research scholar on the joint recommendation of the Director of Archives and the Secretary to the Government of India, Ministry of Education & Social Welfare.

9. — Foreigners wishing to consult records must produce introductions from their Diplomatic Representatives, Embassies or Legations in India or otherwise satisfy the Government of India that they are genuine research scholars.

10. — [Opening days and hours of Research Room. Regulation of admission to Research Room.]

11-13. — [Internal regulations of Research Room.]

14. — Photography of records is undertaken exclusively by the National Archives own Photographic Division.

Transcription work can be undertaken by the National Archives typists on behalf of a scholar. Separate rate cards indicating the scales of charges for different types of work are available.

15. — There is no restriction on duplicating of the open records. However, no microfilm or photo-copy of post-1919 records of the Home (Political) Department can be taken without the prior permission of the Director of Archives. Excerpts taken from the confidential records of the Ministries of Law, Transport and Shipping and Labour & Employment of post-1901 period are subject to scrutiny by the Ministries/Departments concerned.

16. — Research amongst the open records is undertaken by the National Archives on behalf of individuals and institutions on payment of prescribed fee. But *bona fide* scholars who are conducting their own research are not required to pay any fees whatsoever.

17-19. — [Regulations for internal discipline of Research Room.]

20. — One copy of every publication based on the materials consulted at the National Archives must be deposited in the Library soon after publication.

21. — The research facilities mentioned above are to be made available at the discretion of the Director of Archives. In case of any doubt or dispute concerning these rules and their interpretation, the decision of the Director of Archives and the Government of India would be final and binding.

1. Enacted by Order of the Ministry of Education, 1970.

INDONÉSIE

Act No. 7 of 1971

Basic Guidelines for Archives Management¹

CHAPTER I

General Guidelines

ARTICLE ONE. — The term “archives” in this Act means:

- (a) documents made and received by State Institutes and Governmental bodies, in whatever form, single or grouped, in the framework of the implementation of governmental actions;
- (b) documents made and received by private bodies and/or individuals, in whatever form, single or grouped, in the framework of the implementation of the national life.

ART. 2. — Functionally the archives are divided into:

- (a) current operating archives, which are directly used in the planning, execution and performance of the national life in general, or directly used in the performance of the state's administration;
- (b) static archives, which are not directly used for the planning and performance of the national life in general, not for the daily performance of the state's administration.

ART. 3. — The purpose of archives management is to ensure the preservation of documents as a national account of the planning, execution and performance of the national life, and to provide records as an account of government activities.

CHAPTER II

Tasks of the Government

ART. 4. — (1) Archives, as the term is defined in article 1, section (a) of this Act, are within the full authority and responsibility of the Government.

(2) The Government is responsible for the safekeeping of the archives, as the term is defined in article 1, section (b) of this Act, as evidence of national justification,

¹. *State Gazette of the Republic of Indonesia*, 1971, No. 32. — Text procured by Miss SOEMARTINI, Acting Director, Arsip Nasional Republik Indonesia, Djakarta.

the control of which is acquired through negotiation with or by paying compensation to the party previously in possession of the archives.

ART. 5. — In the implementation of control as meant in article 4 of this Act, the Government seeks to regulate:

- (a) the management of current operating archives;
- (b) the collection, storage, preservation, safe-keeping and use of static archives.

ART. 6. — The Government improves the quality of national archives management by activating efforts with respect to:

- (a) programmes aiming at its perfection;
- (b) the education of experts on archives management;
- (c) information, control, supervision;
- (d) technical equipment; and
- (e) scientific research in the field of archival matters in general.

ART. 7. — (1) The Government provides for, regulates and controls the education of experts on archival matters.

(2) The Government regulates the legal position and authority of experts on archival matters.

(3) The Government undertakes special efforts for ensuring the health of archival experts in accordance with the environmental setting of their functions and tasks.

CHAPTER III

Organization of archives

ART. 8. — To perform the tasks as defined in article 5 of this Act, the Government establishes an archives management organization, consisting of:

- (1) Archives Management Units at the Central and Regional State Institutes and Governmental Bodies;
- (2) (a) A National Archives in the Capital of the Republic of Indonesia, as the nucleus organization of the National Archives Management Institute, henceforth to be called the Central National Archives;
- (b) National Archives in each capital of the Provinces, including those territories considered of the same level as the Provinces, henceforth to be called Provincial National Archives.

CHAPTER IV

Responsibility for archives management

ART. 9. — (1) The Central National Archives are responsible for the storage, preservation and safeguarding of archives, as the term is defined in article 2, section (b) of this Act, of the Central State Institutes and Central Governmental Bodies.

(2) The Provincial National Archives are responsible for the storage, preservation and safeguarding of the archives, as the term is defined in article 2, section (b) of this Act, of the Provincial Governmental Institutes and Bodies, as well as those of the Provincial branches of the Central Government Bodies.

(3) The Central National Archives as well as the Provincial National Archives are responsible for the storage, preservation and safeguarding of archives originating with private bodies and/or individuals.

ART. 10. — (1) The Central as well as Provincial State Institutes and Governmental Bodies are responsible for the management, storage, preservation and safeguarding of the archives, as the term is defined in article 2, section (a) of this Act.

(2) The Central State Institutes and Governmental Bodies are responsible for the transfer of the archives, as the term is defined in article 2, section (b) of this Act, to the Central National Archives.

(3) Provincial Governmental Institutes and Bodies as well as the Provincial branches of Central Government Bodies, are responsible for the transfer of the archives, as the term is defined in article 2, section (b) of this Act, to the Provincial National Archives.

CHAPTER V

Penal sanctions

ART. 11. — (1) Whosoever deliberately and illegally is in the possession of archives, as the term is defined in article 1, section (a) of this Act, can be sentenced to prison for at most 10 (ten) years.

(2) Whosoever keeps archives, as the term is defined in article 1, section (a) of this Act, and deliberately passes on information pertaining to the content of these documents to third parties not authorized to know about it, while the keeper was committed to secrecy, can be sentenced to prison for the remainder of his life, or for at most 20 (twenty) years.

(3) The violations as mentioned in paragraph (1) and paragraph (2) of this article are regarded as crimes.

CHAPTER VI

Closing stipulation

ART. 12. — [Regulations.]

ART. 13. — [Commencement and official publication.]

EXPLANATION OF THE ACT¹

General Explanation. — For purposes of national responsibility to coming generations, it is necessary to preserve tangible, authentic and complete materials of evidence concerning the past, present and future national life of the Indonesian People in general and the performance of the Government's Administration in particular.

The safekeeping of these materials of evidence is a problem that belongs to archives management in its widest sense.

Prior to the legislation of this Act, problems of archives management have been governed by Act Number 19, Prps. of 1961 which, for the above mentioned purposes, is no longer suited to the growth of the demands of advanced administration.

In connection herewith, based on the above mentioned basic considerations and in accordance with the stipulations in article 2, Act Number 5 of 1969 and the letter of the

1. Addendum to the State Gazette of the Republic of Indonesia, No. 2964.

governing board of the Provisional People's Council No. A. 9/1/24/MPRS/1967, the problem of archives management should be reorganized in this Act, which simultaneously complements the contents as stipulated in Act Number 19 Prps. of 1961.

The performance of the implementation of the guidelines as stated in this Act is to be determined and regulated by Legal Regulations. This is meant to allow for the continuous possibility of keeping up with the development of the life of the nation and with the orderly and accurate development of the Government and State Administration. One of the efforts for the implementation of this Act's guidelines is the establishment of the National Archives of the Republic of Indonesia as the nucleus organization, and other archives units found in all State Institutes and Government Apparatus.

Explanation of Art. 1. — Archive documents in whatever form, as stated in this article, cover those written as well as those visible and audible, such as recordings, films, and so on. By the term "grouped" is meant those documents the contents of which are related to one another and which are kept in one bundle concerning the same subject.

In this article is also confirmed the distinction between the function of archives in the government system (section *a*) and its function in national life (section *b*). The essence of this distinction is found in article 4, *i. e.*, the safeguarding of responsibility in the national and Government sectors.

By "State Institutes" are meant those State Institutes as stipulated in the 1945 Constitution. By "Government bodies" is meant:

- (a) all Government apparatus, including business enterprises the capital of which partially or wholly originates from the Government; and
- (b) Government bodies which are to be or have been merged at the time when this Act was proclaimed.

Explanation of Art. 2. — Archives are something that are living, growing and continuously changing in line with the society as well as the government system.

Article 2 confirms the existence of two kinds of archives according to their functional nature and value, *viz.*:

- (a) current operating archives, as archives which, according to their function, are still undergoing changes in their value and meaning; and
- (b) static archives, as archives which have already reached the degree of possessing a permanent value, in particular as national/Governmental documents of account.

It is necessary to determine clearly the methods for evaluating the value of archives according to their functions, concerning the determination of their value as well as meaning according to age/period and/or according to their evaluation of effectiveness. These methods will be further governed by legal regulations.

This distinction of functions forms the basis for the performance of the Government's task and control as stated in article 5, and of the national organization for archives management as stated in article 8, and which are stated as a whole in the articles 3, 6 and 7.

Explanation of Art. 4 and 5. — The Government controls its own archives as a whole in accordance with its functions as stated in article 2, section (a) and section (b) of this Act. This control is exercised by the following methods:

- (a) by the implementation of archive systems in the whole apparatus;
- (b) by determining the conditions for the safekeeping of archives, including in this documents:
 1. which are received by and/or which occur due to the execution of activities of private/individuals bodies, and which have legally been passed to State Institutes/Government bodies;

2. which due to agreement or based on other stipulations or previous stipulations have become the responsibility of archives storage centers which have been established by the Government;
3. which are reproductions in whatever form of archives, as the term is defined in article 1, section (a).

The safekeeping in the national sector involves the problem of methods on how the archives of private bodies, individuals can be saved for the sake of national interest. This also involves the problem of Government archives which prior to this Act have been outside the control of the Government of the Republic of Indonesia, at home as well as abroad.

Explanation of Art. 8. — In the Archives Management Organization a principal distinction is found, as determined in article 2, *viz.*:

- (a) current operating archives;
- (b) static/permanent archives.

Current operating archives are archives of the Government/State apparatus within the enclosure of State Institutes and Government bodies and which are functionally still of actual interest and validity, but which are growing towards permanency in accordance with their function, age and value. The organization of these current operating archives are vested in the respective State Institutions/Government bodies.

For the static/permanent archives (article 2, section *b*) an archives management organization is established with the National Archives of the Republic of Indonesia as its nucleus, in which the latter functions as a storage center (safekeeping, processing and presentation) for the materials of evidence being the complete account of the Government as well as the Nation. That therefore the National Archives, besides its obligation to perform its purpose as stated in article 3 of this Act, is also obliged to process and present these materials of evidence for scientific purposes. As a result of the extensive territory of the Republic of Indonesia and the Government system to the Republic of Indonesia, Provincial National Archives are also established in each capital city of the provinces or territories of the same level as the provinces.

All matters concerned with the organization of archives management will be further governed by separate regulations.

Explanation of Art. 11. — The term "in the possession of" in paragraph (1) of this article is the behaviour of acting as the rightful owner of a commodity, *i. e.*, the behaviour of controlling a commodity as if one was its owner. In this case, actions preceding this ownership are not considered. These have already been covered by the stipulations of the Penal Code.

IRAK

Law No. 142 of 1963

Creation of the National Archives Centre

ARTICLE ONE. — An archives centre under the title of “The National Archives Centre”, administered by an independent staff attached to the Ministry of Culture and Information, called hereafter the Centre, is to be established in Baghdad.

ART. 2. — The Centre shall be concerned with keeping public and other records available at official and semi-official offices, documents belonging to economic, commercial, industrial, cultural and other establishments in Iraq, and also personal documents whenever obtainable.

ART. 3. — The Centre shall coordinate, classify and keep these documents and facilitate their use by official, semi-official offices, researchers and any body who may make use of doing so according to a special regulation.

ART. 4. — The Centre shall have a moral personality entitled to conduct all legal dispositions which do not contradict the objectives for which it is established. It will be represented by the General Trustee.

ART. 5. — [Budget of the Centre.]

ART. 6. — (a) The Centre shall have a Council consisting of the following:

(1) A general trustee nominated by the Prime Minister and appointed in accordance with a Republican Ordinance, provided that he is an experienced specialist. He shall have the power of a Director General, which shall be exercised in conformity with the jurisdiction vested in him by the staff.

(2) Members representing some ministries, establishments and the University of Baghdad. Their number and their selection shall be defined by a special regulation.

(b) The Council shall convene under the presidency of the General Trustee once every three months at least. The President may convene it whenever he sees a necessity, and shall have to convene it on a written demand of one third of the members.

(c) The Council shall supervise the work of the Centre, prepare its budget, work out general plans for running its affairs and for its development and define the cadre of personnel necessary for its administration.

ART. 7. — (a) Official and semi-official offices and governmental establishments shall have to supply the Centre with the documents, reports and records which it demands according

Text procured by Mr. Amer I. ALKINDILCHIE, Director, National Center of Documentation and Archives, Baghdad.

to this law. These parties shall not destroy papers unless a representative of the Centre is present, who shall choose what may be deemed preservable.

(b) In case that any of the parties mentioned in paragraph (a) may refrain from entrusting documents to the Centre, arbitration on the matter shall be submitted to the Prime Minister who shall decide whether or not the documents ought to be entrusted.

ART. 8. — The Centre shall endeavour to fulfil its aims through the following media:

(1) Asking official and semi-official offices to entrust to the Centre all the records in their possession since the Ottoman period in order to preserve them from decay, coordinate and classify them.

(2) Asking official, semi-official departments and other offices to entrust to the Centre all the records in their possession, dealing with the British occupation period.

(3) Keeping the laws, official decisions, and all the documents and correspondence which have been previously issued or thereafter annexed.

(4) Asking official departments to entrust political, economic, cultural, commercial, technical and other agreements and treaties concluded with Arab or foreign States, establishments and companies together with all the correspondence which preceded their conclusion and the appended explanations and annexed provided that they do not contradict the secrecy of these agreements in conformity with this law.

(5) Entrusting laws, regulations, instructions, official decisions and all related documents and correspondence which preceded their enactment and the annexed explanations and practices.

(6) Entrusting all the minutes and official records of the Constitutional Council and the Representative and Senate Assemblies, including the minutes of closed sessions.

(7) Asking to entrust to the Centre all the official records in possession of governmental and semi-governmental offices, on the issuance of which twenty-five years have elapsed since the date of issue.

(8) Purchasing private documents which may be of a scientific, political or historical value.

ART. 9. — The Centre may prepare regulation bills which may help in carrying out its work and in regulating the affairs of its personnel and the manner of disciplinary measures.

ART. 10. — The staff of the National Archives Centre shall be attached to the Presidency of the University of Baghdad for a period of five years.

ART. 11. — Regulations facilitating the implementation of the rules of this law may be issued.

ART. 12. — [Commencement.]

ART. 13. — [Execution.]

IRAN

INTRODUCTION

The idea of the establishment of a central government record centre was, for the first time, incorporated in a Council of Minister's decree dated April 1930. But for years no attempt towards establishing a national archives, was made.

Earliest attempts on the part of the Government toward legislation affecting government's records date back to 1956 when a bill entitled "Law Authorizing the Destruction of Useless Papers & Records of Ministries and Government Agencies" was presented to and rejected by the Senate. Following this failure, different bills and proposals were submitted and discussed at various legislative as well as executive levels, but none were given the required legal shape until May 1970 when the present Law was finally approved by the Parliament¹.

Now this newly established organization is faced with a tremendous volume of work, *i. e.*, identifying, evaluating, weeding, and disposing of records of more than fifty years accumulation which are being kept, throughout the government ministries and agencies, in the most unfavorable conditions. (Roughly one million cubic feet of non-current records are being piled up only in government organizations in Tehran.)

At present the "Redundant Records Disposal Regulations" have been approved by the majority of the eight Parliamentary Committees who are, by law, the final approving bodies. In the meantime we are instructing certain Ministries (with first priority) to identify any series of non-current records which in their judgement, have no value and can be disposed of as soon as the Disposal Regulations are approved. This will help developing records disposal lists at a later stage and actual disposition of valueless records which happens to be the fundamental records management problem in nearly all government organizations, especially those with long age. Another most important project of INAO is the construction of a record centre. Appropriation for this building has been anticipated in the next year's budget proposal. The center will, in addition to and detached from the administration building, have four repositories each with a capacity of 56,000 cubic feet.

Cyrus PARHAM,
Archivist of Iran, Tehran.

1. *Infra*, p. 180-181.

Governing the Establishment of Iran's National Archives Organization¹

ARTICLE ONE. — In order to collect and preserve National Records in a single central agency and provide appropriate facilities to make these records accessible to the general public, and in order to reduce administrative expenditure through the centralization of the non-current records of the Ministries, Government Agencies, and Government Affiliated Agencies, and through the disposal of redundant records, an agency attached to the State Organization for Administration and Employment Affairs (SOAE) is established under the name of the National Archives Organization (INAO).

(Note): National Records mentioned under this article include all papers, letters, registers, files photographs, maps and plans, charts, films, microfilms, recording tapes and other documents which have been produced by or received in Government Organizations and which have been permanently or temporarily in government custody, provided they are, in the judgment of the National Archives Organization, worthy of permanent preservation in so far as they have administrative, financial, economic, judicial, political, educational, scientific, technical or historical values.

ART. 2. — The National Archives Organization shall have a Director, a Council and necessary organization.

ART. 3. — The Director of the National Archives Organization shall, on the advice of the SOAE Secretary-General and with the approval of the Council of Ministers, be selected from among high-ranking government officials with university education who have research experience and specialized knowledge in both public administration and archives and records management.

The Director of the National Archives Organization is charged with the execution of the Council's decisions and shall be responsible for the administration of the INAO.

ART. 4. — The INAO Council shall include the following members: the Minister of Foreign Affairs, the Minister of Culture and Fine Arts, the Attorney-General, the SOAE Secretary-General, the attorney of the Accounts Tribunal, two persons well versed in the history and culture of Iran nominated by the Minister for Science and Higher Education and appointed by the Council of Ministers for a 3 year period; and they may be re-elected.

The four first members listed above may appoint their deputies to attend in their stead. Members of the Council shall designate a chairman from among themselves.

(Note 1): The Director of the National Archives Organization may attend the sessions of the Council as Secretary but shall have no voting rights.

(Note 2): A representative of the Ministry or Agency whose redundant records are currently under consideration by the Council, shall be invited to attend the appropriate Council meetings to exchange views and opinions.

(Note 3): The Regulations governing the convening of meetings of the Council, the selection of the chairman and the adoption of decisions shall be approved by the Council.

ART. 5. — The functions of the Council are as follows:

(a) Determine disposable redundant records and approve such disposal schedules as

may be compiled jointly by the National Archives Organization and the relevant Ministries and Government Agencies in accordance with the provisions of this Law.

(b) Approve regulations dealing with the reviewing and accessioning of the non-current records and archives.

(c) Approve regulations governing the management and preservation of archives, and making them available to the public; also approve regulations governing confidential archives and their reference procedures.

(d) Approve such regulations, criteria and standards as the Ministries and Government Affiliated Agencies are required to apply in the arrangement, filing and preservation of records and archives.

(e) Compile the tariff under which the National Archives Organization shall collect charges from legal and other persons for services connected with the production of microfilms photocopies and certified copies of records or similar services.

ART. 6. — (a) Ministries, Government Agencies and Government Affiliated Agencies are required to plan, in accordance with a manual to be approved by the Council of Ministers, their filing operations with reference to standard principles and procedures (which the Council of the Organization will have developed under Section (d) of Art. 5 in connection with its functions) within the period of time fixed under the said regulations for each organization, and segregate non-current files from current files for appropriate classification.

(b) Ministries, Government Agencies and Government Affiliated Agencies are required to transfer all non-current archives and records as no longer warrant retention in the organization concerned, to the National Archives Organization for temporary custody, except that in the case of records where 40 years shall have elapsed from the date the record or the last paper on a file was created, such records shall be transferred to the INAO for permanent custody.

(Note): Ministries, Government Agencies and Government Affiliated Agencies and the Council of the National Archives Organization are required to treat as confidential for the prescribed period, such archives and records as have been placed at the disposal of the National Archives Organization and whose disclosure would prove detrimental to the rights of individuals or the interests of the Government. Until the end of the prescribed period, or pending further notice by the Ministry or Agency concerned or further decision of the Council—whichever may be the case—the Organization shall refrain from placing such archives and records at the disposal of the public with the exception of legal authorities.

ART. 7. — Regulations governing the determination of redundant records and the manner of their disposal shall be approved by the relevant committees of both Houses as recommended by the Director of the National Archives Organization and confirmed by the INAO Council.

ART. 8. — The Ministry of War is excluded from the provisions of this law. Maintenance and preservation of the Archives and disposal of the redundant records of the Imperial Army shall be effected with the knowledge of the National Archives Organization upon the decision of a competent board to be formed for this purpose. The organization of the Board and enforcement of this article shall be subject to the regulations to be compiled and approved by the Ministry of War.

1. Imperial Government's Official Gazette (Rooznameh Rassmi), No. 7375 (June 4th 1970), p. 1-2.

ISRAEL

INTRODUCTION¹

The Archives Law was passed, after prolonged discussion, on January 17, 1955 and gives expression to the special conditions prevailing in the archives in Israel. As is well known, the independent State of Israel was founded only in 1948, and a great deal of archival material from the preceding period was then in the hands of institutions and organizations which fulfilled semi-state functions within the organized setting of the Jewish community in Palestine (the Jewish Agency, the Zionist Organization, the Va'ad Leumi and the Histadruth), besides the archival material of the Mandatory authorities.

Moreover, Jewish history, for which archives should form the documentary basis, relates to many countries, and it is therefore necessary to centralise the archives of Jewish institutions and communities from all countries of the Diaspora.

The Law has therefore placed under the control of the State Archivist not only government archives, but also archives which in other countries would be considered as private and which have been declared by the Government to be public archives.

The Law provides for archival material from its coming into being as current records until its final deposit in historical archives. The control of the State Archivist falls particularly on archival material in state institutions and local authorities and on the destruction of material whose value does not warrant its preservation.

The Law provides for the Supreme Archives Council as the supreme authority for archives in the State, with the State Archivist as its Chairman.

The function of the Council is to advise on the promulgation of statutory regulations and to give final decisions on points at issue concerning the destruction of archival material. The State Archives and the Archivist belong to the Prime Minister's Office, nearly all the other government ministries as well as the principal archival institutions in the country being represented on the Supreme Archives Council.

1. This Introduction is part of the pamphlet *The Archives Law 5715, 1955, and Regulations*, revised edition (Jerusalem, The State Archivist, 1967). It is reproduced here as an Introduction to the Israel Archive legislation in accordance with the wish expressed by *Archivum* correspondent in Israel, Dr. M. HEYMANN, Director, The Central Zionist Archives, Jerusalem. — See also Archives in Israel, by Dr. A. BEIN, in *Archivum*, vol. XI (1961), p. 171-181.

1. *Definitions.* — In this Law:—

“archival material” means any writing on paper or on other material and any sketch, diagram, map, drawing, label, file, photograph, film, gramophone record and the like—

- (1) which are in the possession of any of the institutions of the State, or a local authority, except material which has no source value;
- (2) which are situated anywhere and which are relevant to the study of the past, the people, the State or society or associated with the memory or activities of persons of note;

“the State Archives” means the archives of the State of Israel;

“public archives” means archives owned or managed by a body not having as its object the achievement of profits which are operated in accordance with rules prescribed by regulations and which have been approved by the Government, by notice published in Reshumot, as public archives;

“the State Archivist” means the Director of the State Archives and includes any person whom the State Archivist may empower to act in his name or in his place;

“any of the institutions of the State” includes any such State or governmental corporation and any such State institution established under any enactment as the Government, with the approval of the Committee on Education and Culture of the Knesset, has declared, by order, to be a State institution for the purposes of this Law.

2. *Appointment of State Archivist.* — (a) The State Archivist shall be appointed by the Government after consultation with the Higher Archives Council.

(b) So long as a State Archivist has not been appointed, the Minister of Education and Culture shall be the chairman of the Council.

3. *Higher Archives Council.* — There shall be established a Higher Archives Council (hereinafter: “the Council”), consisting of:

- (1) the State Archivist, who shall be the chairman of the Council;
- (2) a representative of the Ministry of Education and Culture and representatives of such Government Ministries as may be designated by the Government;
- (3) representatives of the National Library, the Central Zionist Archives, the Central Archives for the History of the Jewish People, the Archaeological Advisory Board, the Archives of the Defence Army of Israel and such archives as may be designated by the Government;
- (4) representatives of institutions in respect of which the Council has recommended to the Government that representatives thereof be included;
- (5) experts whom the Government shall appoint after consultation with the Council, provided that their number shall not exceed one third of the number of the members of the Council at the time of appointment.

3 A. *Quorum rules and procedures.* — [...]

4. *Material to be deposited in the State Archives.* — (a) All archival material of state institutions which preceded the establishment of the State of Israel, and all archival material

of any of the institutions of the State, or of any local authority, which has ceased to exist and whose place has not been taken by another institution, and such other material of any of the institutions of the State or of any local authority as is no longer required for use and as it is not permitted to destroy under the Regulations or as the institution or local authority does not intend to destroy although it is permitted to destroy it under the Regulations, shall be deposited in the State Archives.

(b) The State Archivist may accept any archival material for deposit in the Archives.

(c) All archival material which has been placed at the disposal of the State Archives, even if it has not been transferred to it, shall be regarded as deposited in the State Archives.

5. *Period of deposit in State Archives.* — The deposit of archival material in the State Archives is permanent but the State Archivist may, on conditions to be prescribed by regulations, accept archival material for non-permanent custody.

6. *Powers of supervision.* — The State Archivist shall supervise the modes of operation of the archives in the institutions of the State, and in the local authorities, and the preservation and destruction of archival material therein.

7. *Power to examine.* — The State Archivist may examine, photograph and copy any archival material in the institutions of the State and in the local authorities; provided that he shall not examine, photograph or copy any secret material in institutions of the State otherwise than with the permission of the responsible official in charge of such material.

8. *Register of private archival material.* — (a) The State Archivist shall keep a register of archival material which is in the hands of private owners (hereinafter: “the register”).

(b) There shall be entered in the register archival material of value, as the State Archivist may determine, which is owned or possessed by private individuals and institutions and is not deposited in public archives.

(c) The registration shall be made on the basis of a declaration by the owner or possessor of the archival material or on the basis of information which has reached the State Archivist concerning the existence of the material.

9. *Powers of State Archivist in respect of material in private hands.* — (a) The State Archivist may require of any person information concerning archival material owned or possessed by him.

(b) The State Archivist may not inspect, photograph or copy archival material as aforesaid, or make the photograph or copy available for inspection by the public, otherwise than with the permission of the owner or the owner of the copyright and in accordance with conditions agreed upon by the State Archivist and the owner of the archival material.

10. *Inspection by the public.* — (a) Every person may inspect the archival material deposited in the State Archives; provided that this right may be limited by regulations. The limitation may apply to material of a specific kind or age.

(b) Where archival material has been deposited the right of inspection of which is limited by law or agreement, the limitation shall apply to it also in the State Archives.

(c) The State Archivist may, with the consent of the Council, designate archival material as secret for reasons of State security or as confidential for other reasons and impose special restrictions on the inspection of material so designated.

11. *Copies.* — [...]

¹ Sefer Ha-Chukkim, No. 171, 4th Shevat, 5715/27th January 1955, p. 14. Text as amended in Sefer Ha-Chukkim, No. 431, 6th Av, 5724/15th July, 1964, p. 144.

12. *Destruction of material in institutions of the State, etc.* — (a) Archival material shall not be destroyed in any of the institutions of the State or in a local authority otherwise than in accordance with regulations.

(b) The State Archivist may order any archival material as aforesaid to be photographed and copied before its destruction, and the photograph and copy to be deposited in the State Archives.

(c) This section shall not apply to material the destruction of which is urgent for reasons of State security.

13. *Destruction of material in State Archives.* — (a) Archival material which in the opinion of the State Archivist it is no longer necessary to preserve may be destroyed by him upon the lapse of thirty days from the day on which notice of the intended destruction is given to the members of the Council. The State Archivist may publish the notice in *Reshumot*, and any member of the Council may request its publication in a daily newspaper.

(aa) In the case of material deposited by any of the institutions of the State or by a local authority, notice as specified in subsection (a) shall be given also to that institution or local authority.

(ab) Where opposition to the destruction is expressed within thirty days from the date of the notice or the publication or where a member of the Council has requested publication of the notice in a daily newspaper and the State Archivist opposes such publication, the Council shall decide.

(b) Notwithstanding the provisions of subsection (a), the State Archivist shall not destroy private archival material deposited in the State Archives unless it has previously proposed to the owner of the material that he take it back and the owner of the material has not taken it back within the period fixed in the proposal.

(c) Where it has been decided to destroy archival material the right of inspection of which is not limited, and a scientific or public institution or a school has requested that the material be turned over to it, such institution or school shall be entitled to receive the material.

14. *Destruction of archival material in private hands.* — (a) A person shall not destroy, otherwise than under a permit from the State Archivist, archival material in his private possession, except material which has been offered for deposit in the State Archives and which the State Archivist has refused to accept.

(b) Where the State Archivist has refused to grant a permit, the person who has the material in his possession may appeal within thirty days to the Council, whose decision shall be final.

15. *Penalties.* — [...]

16. *Archival material exported from Israel.* — (a) Archival material shall not be exported from Israel unless—

- (1) the State Archivist has been enabled to inspect, photograph and copy it; or
- (2) it has been entered in the register and the State Archivist has waived the inspection, photographing and copying thereof.

(b) Where archival material has been photographed or copied as aforesaid, the State Archivist may not make the photograph or copy available for inspection by the public otherwise than with the permission of the owner and the owner of the copyright and in accordance with conditions agreed upon by the State Archivist and the owner of the archival material.

(c) The State Archivist shall confirm to the person exporting the archival material from Israel, by certificate or in any other manner, that the State Archivist has been enabled to inspect,

photograph and copy the archival material, or that the archival material has been entered in the register and that the State Archivist has waived the inspection, photographing and copying thereof. [...]

17. *Action to be brought only with the permission of the Attorney General.* — [...]

18. *Implementation and regulations.* — (a) The Government may make regulations as to any matter relating to the implementation of this Law.

(b) The regulations shall prescribe the rules according to which public archives shall be operated.

(c) Regulations may be made only after consultation with the Council.

Archives (Destruction of Archival Material at State Institutions and local Authorities) Regulations¹

22nd Av, 5717/14th August, 1957

1. *Definitions.* — In these Regulations—

“institution” means any of the institutions of the State and a local authority;

“the Council” means the Higher Archives Council;

“the Committee” means the Committee for Hearing Oppositions to the Destruction of Archival Material, elected by the Council from among its members;

“routine documents” means archival material of any of the kinds specified in Column I of the First Schedule.

2. *Routine documents permitted to be destroyed.* — An institution may destroy routine documents if the time specified in Column II of the First Schedule has passed and the institution has complied with the provisions of this chapter and the State Archivist does not oppose the destruction.

2 A. *Destruction of microfilmed routine documents.* — (a) Where an institution has photographed a routine document on microfilm and has photographed on the same film a certificate from the person in charge of keeping such a document that the photograph is a correct copy thereof, the retention period of such document shall be 30 days from the date of the photograph.

(b) After the destruction of a routine document photographed as specified in subregulation (a), the microfilm of the document shall be preserved for such period prescribed in Column II of the Second Schedule as applied to the document.

3. *Notice concerning destruction.* — (a) Where an institution wishes to destroy routine documents, as provided in regulation 2, it shall give notice to such effect to the State Archivist not later than fifteen days before the day appointed for the destruction.

(b) The notice shall be delivered in two copies in Form No. 1 set out in the Second Schedule.

1. *Kovetz Ha-Takkanot*, No. 725, 2nd Elul, 5717/29th August, 1957. Text as amended in *Kovetz Ha-Takkanot*, No. 798, 17th Sivan, 5718/5th June, 1958; No. 1166, 8th Tammuz, 5721/22nd June, 1961; and No. 1621, 23rd Elul, 5724/31st August, 1964.

4. *List of routine documents.* — (a) The notice shall be accompanied by a list, in Form No. 2 set out in the Second Schedule, of the routine documents intended for destruction and, as far as possible, by a specimen of those documents.

(b) Where the institution consists of divisions, sections or other administrative sub-units, a separate list of routine documents intended for destruction and being in the possession of each division, section or other administrative sub-unit shall be prepared.

4 A. *Destruction at regular intervals.* — (a) Where an institution wishes to destroy at specified regular intervals routine documents in respect of which the times specified in Column II of the First Schedule have passed, it shall deliver to the State Archivist a notice specifying the kinds of documents and the proposed times of destruction.

(b) If the State Archivist agrees to destruction at specified regular intervals, as provided in regulation (a), the institution may so destroy the documents, and the provisions of regulations 3 and 4 shall not apply.

5. *Definition.* — In Regulations 6 to 11, “archival material” means archival material other than routine documents.

6. *Application for permission to destroy.* — (a) Where an institution wishes to destroy any archival material, it shall submit an application for permission to do so to the State Archivist, in two copies, in Form No. 3 set out in the Second Schedule.

(b) The application shall be accompanied by a list in four copies, in Form No. 2 set out in the Second Schedule, of the archival material proposed to be destroyed and, as far as possible, by a specimen of the material.

(c) Where the institution consists of divisions, section or other administrative sub-units, a separate list of archival material intended for destruction and being in the possession of each division, section or other administrative sub-units shall be prepared.

7. *Notice concerning destruction.* — (a) If the State Archivist is of the opinion that it is no longer necessary to preserve all or any of the archival material which it is proposed to destroy, he shall deliver to the members of the Council a notice of the application for permission to destroy the material.

(b) The notice shall include a description of the material which it is proposed to destroy.

(c) The notice shall indicate whether the State Archivist intends to publish a notice concerning the destruction in *Reshumot*.

(d) A member of the Council may ask the State Archivist to publish a notice in *Reshumot* or a daily newspaper; if the State Archivist opposes publication, the Council shall decide.

8. *Opposition to destruction.* — (a) Where a person wishes to oppose the destruction of archival material which it is proposed to destroy, he shall submit a statement of opposition to the State Archivist within thirty days from the day on which the notice was delivered to the members of the Council or from the day on which a notice was published in *Reshumot* or a daily newspaper, whichever is the later date, specifying the reasons for his opposition.

(b) If the opposition does not seem acceptable to the State Archivist, he shall notify the opponent to such effect and shall refer the opposition to the Council for decision.

9. *Hearing of opponent to destruction.* — (a) An opponent to the destruction of any archival material other than a member of the Council, shall be given an opportunity to be heard before the Council or the Committee.

(b) An opponent as aforesaid shall be given seven days' advance notice of the time and place of the hearing before the Council or the Committee.

(c) The State Archivist may be present at the time of the hearing of the opposition before the Committee and may express his opinion.

(d) The Committee shall lay its opinion concerning the opposition before the Council.

10. *Decision concerning destruction.* — Where no opposition to the destruction of any archival material has been lodged under regulation 8, or where the Council has decided on the opposition, the State Archivist shall return to the institution one copy of the application referred to in regulation 6 and one copy of the list of the archival material, together with the decision permitting or prohibiting the destruction of all or any of the material.

11. *Notice concerning destruction.* — (a) If the destruction of the archival material has been permitted, the institution shall deliver a notice concerning the destruction to the State Archivist not later than fifteen days before the date appointed for the destruction.

(b) The notice shall be delivered in two copies in Form No. 1 set out in the Second Schedule.

12. *Definition.* — In Regulations 13 to 14, “archival material” includes routine documents.

13. *Presence of State Archivist at destruction.* — The State Archivist and any person appointed by him in that behalf may be present at the time of the destruction of archival material.

14. *Record of destruction.* — (a) A record of the destruction in at least two copies, in Form No. 4 set out in the Second Schedule, shall be prepared on the spot.

(b) The record shall be signed by representatives, present at the time of the destruction, of the institution which has archival material in its possession and by the State Archivist, or a person appointed by him, if he or such a person is present.

(c) One of the copies of the record shall be delivered to the State Archivist by the said institution within fifteen days from the day on which the record was prepared.

15. *Citation.* — [...]

SCHEDULES

First Schedule. — [Description of routine documents.]

Second Schedule. — [Forms.]

Archives (Management of Public Archives) Rules¹

4th Tishri, 5718/29th September, 1957

1. *Qualifications of director of public archives.* — [...]

2. *Establishment and composition of committee.* — The State Archivist shall establish a committee consisting of the following:

(a) the State Archivist, who shall act as chairman of the committee;

¹ *Kovetz Ha-Takkanot* No. 743, 29th Tishri, 5718/24th October, 1957. Text as amended in 1963 (*Kovetz Ha-Takkanot*, No. 1486, 9th Elul, 5723/29th August, 1963). — The following archives were approved as “public archives” under the provisions of the Archives Law 5715-1955, by notices published in *Yalkut Ha-Pirsumim*: The Central Zionist Archives, Jerusalem; The Central Archives for the History of the Jewish People, Jerusalem; Archives and Museum of the Jewish Labour Movement, Tel-Aviv; The Archives of the “Yad Washem”, Jerusalem; The Archives of Religious Zionism, Jerusalem; Archives of the Kibbutz Arzi Hashomer Hazair Movement, Merhaviah; The Jabotinsky Institute in Israel, Tel-Aviv; The Weizmann Archives, Rehovoth; “Ghetto Fighters” House, Kibbutz Lohamei Haghettaot; Archives of the Teachers Union, Tel-Aviv; The Israel Film Archives, Haifa.

- (b) all the directors of public archives;
- (c) one member appointed by the National and University Library;
- (d) a representative of the Prime Minister's Office, appointed by the Director-General of the Prime-Minister's Office;
- (e) the Director of the Archives of the Defence Army of Israel.

3. *Functions of committee.* — The committee shall coordinate the activities of the directors of public archives relating to the acquisition, safekeeping, registration, making available for research purposes, and publication, of archival material.

4. *Implementation of decisions of committee.* — The State Archivist shall implement the decisions of the committee and shall issue directions to the directors of public archives in accordance with those decisions.

5. *Procedure.* — [...]

6. *Safekeeping of archival material.* — The director of any public archives shall preserve the archival material deposited in the archives from fire, theft, moisture and other harm, as the State Archivist may direct.

7. *Registration of archival material.* — The director of any public archives shall keep a register of archival material (hereinafter referred to as a "register") and shall record therein the following particulars of the archival material which has been deposited in, or is under the control of, the public archives:

- (a) description of the archival material;
- (b) serial number of the archival material;
- (c) name of person delivering the archival material and the conditions of use stipulated at the time of delivery;
- (d) where any archival material has been delivered to another person—the name of the recipient of the material and the conditions of safekeeping and maintenance stipulated at the time of delivery.

8. *Reports of directors of public archives.* — [...]

9. *Rules [of access to archival material and conditions of the use thereof by the public].* — [...]

10. *Right of entry.* — [...]

11. *State Archivist's report.* — [...]

12. *Citation.* — [...]

Archives (Delivery of Archival Material for Custody) Regulations¹

16th Sivan, 5718/4th June, 1958

1. *Archival material of institution.* — The State Archivist may accept from any State institution or local authority (such an institution or authority being hereinafter referred to as "the institution") archival material for non-permanent custody if the institution—

- (a) has notified him in writing of its desire to deliver the material for custody;

1. *Kovetz Ha-Takkanot*, No. 802, 1st Tammuz, 5718/19th June, 1958.

- (b) has attached to the notification a list of the material, in two copies, containing a description of the material and indicating its date and the reference mark assigned to it by the institution;
- (c) has, upon being required to do so by the State Archivist, delivered a copy of the filing-index of the material and a copy of the auxiliary lists, and the card-indices, which were maintained at the institution;
- (d) has transmitted the material to the State Archivist arranged and packed in accordance with his instructions;
- (e) has paid or undertaken to pay all the expenses involved in the transmission of the material to the State Archives and in the packing thereof.

2. *Private archival material.* — The State Archivist may accept private archival material for non-permanent custody if the State Archivist and the owner or possessor of the material have signed an agreement concerning the conditions of custody. The agreement shall specify who is to have access to the archival material and whether it may be used, copied or published unrestrictedly or subject to conditions.

3. *Citation.* — [...]

Archives (Inspection of Material Deposited at State Archives) Regulations¹

2nd Kislev, 5727/15th November, 1966

1. *Procedure of application for permission to inspect archival material.* — A person wishing to inspect any archival material (hereinafter referred to as "material") deposited in the State Archives shall submit a written application, signed by him, to the State Archivist, specifying the material he wishes to inspect.

2. *Place of inspection.* — (a) Material shall only be available for inspection at the State Archives and during the usual working hours.

(b) The State Archivist may transfer material to public archives for the purpose of inspection.

3. *Taking care of material.* — [...]

4. *Special procedures.* — (a) The State Archivist may prescribe special inspection procedures for material the inspection of which may lead to its being damaged.

(b) Instead of the original material, the State Archivist may make photographs thereof available for inspection by the public at the State Archives or anywhere else if he deems it necessary so to do in order to preserve the material intact.

5. *Postponement of inspection.* — The State Archivist may postpone the time for the inspection of the material in the following cases:

- (1) the material is currently available for inspection by other persons;
- (2) the material has not yet been arranged and registered;

1. *Kovetz Ha-Takkanot*, No. 1964, 18th Kislev, 5727/1st December, 1966.

- (3) the material is currently required for the internal work of the State Archives or the depositor of the material;
- (4) the material is inaccessible for technical reasons.

6. *Inspection subject to conditions as to publication and copying.* — (a) If the inspection of the material is subject to conditions as to the use, copying or publication of all or part thereof or as to any other dealing therewith by the person inspecting it, the State Archivist shall notify such person that the material is available for inspection subject to conditions and shall specify such conditions.

(b) If a statistical sample of destroyed material is made available for inspection, the name of a person mentioned in the material or particulars which may lead to his identification shall not be copied or published.

(c) The grant of permission by the State Archivist under this regulation shall not prejudice any right of a person or derogate from any duty of a person under any other law.

7. *Archival material the right of inspection of which is limited.* — (a) The State Archivist shall not make available for inspection by the public any material of a kind indicated in Column I of the Schedule unless such material has been in existence for the period indicated in Column II in respect of such kind.

(b) The provisions of subregulation (a) shall not apply to material which is a record of deliberations held in public or to material intended for the public and published in print or mimeograph or to a statistical sample of destroyed material.

8. *Inapplicability.* — The provisions of these Regulations shall not apply to—

- (1) material the right of inspection of which has been limited by Law or agreement;
- (2) material designated as secret or confidential by the State Archivist;
- (3) material deposited by any of the institutions of the State or a local authority if the person wishing to inspect it is a representative or authorized agent of that institution or local authority or of any institution succeeding it.

9. *Penalties.* — [...]

10. *Citation.* — [...]

SCHEDULE : *Archival material the right of inspection of which is limited.* —

Column I	Column II
1. Administrative or professional material of a Government Ministry	20 years
2. Material of a Government Ministry relating to foreign and security affairs	30 years
3. Material of the Ministry of Defence, the Israel Defence Forces or any other branch of the Defense Establishment, relating to foreign and security affairs	50 years
4. Personal file and personal documents	50 years
5. Material of a local authority	20 years

JAPON¹

Loi du 31 mars 1971

Constitution du Bureau du Premier Ministre²

[Seuls deux articles de cette loi intéressent les Archives.]

ART. 10. — Les Archives nationales et le Centre de formation professionnelle des statisticiens sont rattachés au Bureau du Premier Ministre.

ART. 11. — (1) Les Archives nationales sont l'organisme qui conserve les archives et les documents concernant l'administration de l'Etat en vue de leur communication et des recherches et travaux à y effectuer ; elles conservent également les livres pour les services administratifs du Premier Ministre.

(2) Les Archives nationales ont à leur tête un directeur général.

(3) Le directeur général dirige les Archives nationales sous l'autorité du Premier Ministre.

(4) Les Archives nationales ont leur siège à Tokyo.

(5) Les règlements pour le fonctionnement intérieur des Archives nationales sont édictés par le Bureau du Premier Ministre.

Décret du Premier ministre n° 37, du 30 juin 1971

Révision d'une partie de la constitution du Bureau du Premier Ministre³

[Seuls les articles suivants intéressent les Archives.]

CHAPITRE PREMIER

Les Archives nationales

ART. 7. — (1) Les Archives nationales ont, outre le Naikaku Bunko (bibliothèque du Cabinet), les divisions suivantes :

- division des Affaires générales ;
- division des Archives.

1. Textes communiqués et traduits par M. Nobuyuki NAGAO, bibliothécaire à la Tokyo Metropolitan Hibiya Library.

2. Loi « Sôrifu setchiho », *Kampô*, n° 13281, 31 mars 1971. En application de cette loi, les Archives nationales du Japon (Kokuritsu Kôbunshokan) ont commencé leurs travaux le 1^{er} juillet 1971 ; leur règlement intérieur n'est pas encore promulgué.

3. Décret « Sôrifu hompu no soshikikisoku no ichibu o kaiseisuru Sôrifurei », *Kampô*, n° 13356, 30 juin 1971.

(2) Chaque division a un chef, chargé des affaires de la division en conformité avec les directives du directeur général.

(3) Le Naikaku Bunko (bibliothèque du Cabinet) a un bibliothécaire en chef, chargé des affaires de la bibliothèque en conformité avec les directives du directeur général.

ART. 8. — La division des Affaires générales a compétence pour les matières suivantes :

1. Personnel, documentation et comptabilité des Archives nationales.
2. Equipements, mobilier et matériels d'usage courant des Archives nationales.
3. Entretien du bâtiment.
4. Autres affaires générales.

ART. 9. — La division des Archives a compétence pour les matières suivantes :

1. Réception des archives administratives et autres archives d'intérêt national.
2. Conservation et classement des archives.
3. Communication des archives au public.
4. Recherches et renseignements sur les archives.
5. Inventaires et publications d'archives.
6. Relations avec les services d'archives du Japon et de l'étranger.

ART. 10. — Le Naikaku Bunko (bibliothèque du Cabinet) a compétence pour les matières suivantes :

1. Conservation des livres appartenant aux Archives nationales.
2. Catalogage de ces livres.
3. Publication d'instruments de recherche et ouvrages de référence sur ces livres.
4. Achat des livres.

LAOS¹

Ordonnance royale du 12 août 1966

Création du service des Archives nationales du royaume du Laos²

ARTICLE PREMIER. — Il est créé un service des Archives nationales du royaume du Laos, assumant en même temps la documentation générale et les publications officielles (*Journal officiel*) du Royaume.

Les Archives nationales relèvent de la Présidence du Conseil des Ministres.

ART. 2. — La Direction des Archives nationales a dans ses attributions :

1. toutes les questions ayant trait aux archives publiques et privées. Sont essentiellement de son ressort la conservation, le classement, l'inventaire la communication et l'utilisation de ces archives à des fins administratives et historiques ;
2. pour la section de la Documentation générale :
 - a) la réunion et la conservation des collections d'ouvrages de tous les ordres du savoir, et surtout les œuvres ou documents susceptibles de présenter un intérêt particulier pour le Laos, ainsi que la constitution d'un centre de consultation de ces ouvrages pour les étudiants, les fonctionnaires, les experts accrédités et les chercheurs ;
 - b) l'institution, dans le centre de documentation juridique, d'un fichier législatif ;
3. l'impression des publications officielles telles qu'elles sont définies par l'arrêté présidentiel n° 455/PC du 30 décembre 1959, et notamment du *Journal officiel du royaume du Laos (JORL)* et du *Bulletin officiel du royaume du Laos (BORL)* ainsi que de toutes autres publications décidées par le gouvernement et ayant un caractère officiel.

ART. 3. — Un règlement général des Archives nationales sera établi par ordonnance royale.

ART. 4. — Les Archives nationales sont dirigées par un directeur ayant les mêmes prérogatives que des chefs de services nationaux du Royaume.

Il est assisté d'un directeur-adjoint quand l'importance du service le justifie.

ART. 5. — [Recrutement des directeur et directeur-adjoint.]

ART. 6. — Une ordonnance royale fixera le statut particulier du personnel des Archives nationales.

1. Textes communiqués par M. Thao SALY, directeur des Archives nationales du Laos p. i., Vientiane.
2. *Journal officiel du royaume du Laos*, août 1966, n° 8, p. 328.

ART. 7. — Le service de Documentation et des Archives générales qui a fait l'objet de l'arrêté présidentiel n° 487/PC du 14 octobre 1961 fusionnera avec ces nouvelles Archives nationales. [...]

ART. 8. — [Décret d'application.]

ART. 9. — [Exécution.]

*Arrêté pris par le Premier Ministre, président du Conseil
le 19 décembre 1966*

Décret d'application de l'ordonnance du 12 août 1966¹

ARTICLE PREMIER. — L'application de l'ordonnance royale n° 240 du 12 août 1966, portant création du service des Archives nationales, de la Documentation générale et des Publications officielles du royaume du Laos est réglementée comme suit :

TITRE I

ARCHIVES NATIONALES DU LAOS

CHAPITRE PREMIER

Désignation des dépôts d'archives et de leur rôle

ART. 2. — Les dépôts d'archives du Royaume sont fixés ainsi qu'il suit :

1. le dépôt central à Vientiane ;
2. les dépôts ministériels ;
3. les dépôts principaux (organes de commandement) :
 - a) techniques (Services techniques publics) ;
 - b) d'administration générale (Khouèng et Nakhon Kamphèng)².
4. les dépôts primaires (organes d'exécution).

ART. 3. — Les dépôts primaires ont pour rôle de centraliser et de classer en dossiers les documents qui ne sont plus indispensables à l'activité courante des services.

Dans chaque Kong, Muong et Service technique public, lorsqu'un dossier ne présente plus d'intérêt pour l'organe chargé de l'exécution de l'affaire courante, il est envoyé en principe au dépôt d'archives de son secteur³.

ART. 4. — Dans chaque Direction des services nationaux, Khouèng, Nakhon Kamphèng et Services techniques publics du Khouèng, les dépôts principaux centralisent, trient et classent les dossiers et documents émanant des dépôts primaires qui relèvent de leur administration.

Ils ne conservent que les dossiers et documents utiles à l'activité du service pendant le

1. *Journal officiel du royaume du Laos*, décembre 1966, n° 12, p. 489.

2. Les Services techniques publics sont les services de l'Agriculture, des Eaux et Forêts, des Travaux publics, etc. Les Services d'administration générale sont les services administratifs de la province. Khouèng signifie province ; Nakhon Kamphèng, préfecture.

3. Le Muong est une grande circonscription administrative. Le Kong est une petite circonscription administrative qui relève, suivant l'importance de l'Administration, soit du Muong, soit directement du chef de province.

délai réglementaire et les transmettent ensuite, pour la ville de Vientiane seule, au dépôt des archives ministérielles du ministère dont ils relèvent.

Dans les provinces, en dehors de la capitale, tous les documents seront versés par tous les Services techniques et d'administration générale de la province aux dépôts d'archives principaux du Khouèng, qui constituent des centres subordonnés aux Archives nationales¹.

ART. 5. — Les dépôts ministériels centralisent, trient et classent les dossiers et documents émanant des dépôts principaux.

Ils transmettent au dépôt central à Vientiane les dossiers et documents qui ne présentent pas un intérêt immédiat pour les besoins de la documentation du département.

ART. 6. — Le dépôt central à Vientiane a pour objet le classement définitif et la conservation des pièces d'archives du gouvernement royal.

ART. 7. — Les dépôts primaires, principaux, ministériels et central sont dotés chacun d'une estampille qui se présente ainsi : [...]

ART. 8. — [Estampillage des documents.]

ART. 9. — Le local réservé aux archives doit être isolé et parfaitement clos, à l'abri des inondations et de tout danger d'incendie.

Le choix des bâtiments destinés aux Archives ainsi que toute amélioration à y apporter devront être soumis à la Commission supérieure des Archives, fixée par un arrêté présidentiel.

ART. 10. — Nul ne pourra s'introduire dans les locaux des Archives si ce n'est en présence de l'archiviste ou de l'un des employés autorisés à cet effet.

ART. 11. — Les Archives ne seront ouvertes que le jour. Pendant la nuit, elles seront toujours fermées à clé. Il est interdit d'y entrer avec une torche ou des bougies allumées et d'y faire du feu.

CHAPITRE II

Versement et conservation des documents administratifs

ART. 12. — Aucun document administratif ne doit demeurer dans les bureaux au-delà des délais fixés ci-après.

L'ensemble des papiers répondant aux conditions ainsi fixées ci-après doit être versé chaque année à l'un des dépôts mentionnés plus haut à l'article 2.

Les chefs de bureau ou d'administration devront en outre et autant que possible se débarrasser des papiers qu'ils jugent inutiles à l'expédition des affaires en cours.

Les délais à observer, dans la plupart des cas, pour servir de base à ces versements seront de cinq ans pour les dépôts primaires, de dix ans pour les dépôts principaux, et de quinze ans pour les dépôts ministériels.

ART. 13. — Chaque année, au mois de janvier, il sera dressé dans tous les bureaux ou administrations un état (en triple exemplaire) des documents à verser. Cet état comportera la désignation sommaire des dossiers ou registres, leur nombre et les dates extrêmes de chacun d'eux.

L'une des expéditions, signée par l'archiviste qui aura reçu le versement, sera retournée

1. Les dépôts principaux techniques et ceux d'administration générale reçoivent donc les archives provenant des dépôts primaires de leur ressort respectif : les archives des dépôts primaires des Services techniques de la province vont aux dépôts principaux techniques ; celles des dépôts primaires des archives du Khouèng, Muong et Kong de la province vont aux dépôts principaux d'administration générale.

Cette organisation s'applique uniquement aux provinces dans lesquelles l'administration est très évoluée. A titre transitoire, une province peut être dotée d'un seul dépôt principal qui comprend deux sections : la section des archives des Services techniques et la section des archives du Khouèng, Muong et Kong.

par lui au service verseur ; la seconde restera au dépôt local d'archives ; enfin, la troisième devra être envoyée par l'archiviste au directeur des Archives nationales.

Pour les documents à verser au dépôt central, à Vientiane, l'état susvisé ne sera établi qu'en double exemplaire.

ART. 14. — Les administrateurs chefs de province ou chefs de circonscription et les chefs des Services techniques provinciaux devront toutefois, dans la mesure du possible, envoyer dans un délai moindre, aux dépôts ministériels ou provinciaux selon le cas, tous les dossiers qui ne sont pas indispensables à l'expédition des affaires en cours.

ART. 15. — Dans la capitale du Royaume, les archives de toute institution ou service supprimé, qui constituent des fonds clos, non susceptibles de s'accroître dans l'avenir, doivent prendre place au dépôt central à Vientiane où elles seront classées à part.

Dans les provinces, les dépôts du Khouèng s'en chargeront.

ART. 16. — Au moment du classement des pièces nouvellement versées, il sera procédé par l'archiviste à un triage des documents à conserver et de ceux qui pourront être vendus après un délai déterminé.

L'estampille ne sera apposée que sur les pièces de la première catégorie.

ART. 17. — Aucune vente ou destruction d'archives ne pourra être effectuée sans autorisation préalable des Commissions supérieures instituées par l'arrêté présidentiel.

ART. 18. — Dans tous les dépôts, il sera conservé en permanence une collection complète du *Journal officiel du Royaume* et du *Bulletin officiel du Royaume*. Ces collections seront reliées.

En outre, l'archiviste aura soin de réunir en collections suivies et régulièrement tenues à jour tous les documents officiels, rapports, circulaires, procès-verbaux de Conseils ou Commissions organiques, qui intéressent l'activité du service dont il relève ou qui auront fait l'objet d'une simple communication à ce service.

Ces collections et recueils seront conservés en permanence par chaque dépôt.

Le chef du dépôt central fera établir et diffusera dans les dépôts subordonnés un recueil analytique des principaux textes officiels. Ce recueil composé de feuillets à reliure mobile devra être tenu à jour au fur et à mesure de la parution des nouveaux textes. En outre, des feuillets de mise à jour seront adressés périodiquement aux différents dépôts par le dépôt central.

CHAPITRE III

Communication des documents aux administrations diverses et aux particuliers

ART. 19. — Les communications des pièces aux particuliers auront lieu sans frais et sans déplacement, et seulement dans le local des Archives en présence de l'archiviste ou d'un employé.

En règle générale, on ne doit communiquer à chaque personne qu'un dossier à la fois. Il ne sera perçu aucun droit pour la recherche des documents.

Les documents ayant plus de trente ans de date et déposés aux Archives nationales par les administrations de l'Etat ne peuvent être communiqués au public que sur l'autorisation des ministres qui ont fait le versement. Cette autorisation sera demandée par le directeur des Archives nationales.

ART. 20. — Les documents concernant les affaires politiques intérieures et de la sûreté générale du pays ainsi que la correspondance confidentielle ne pourront, en principe, être communiqués au public qu'après un délai de trente ans. Toute demande relative à des documents de cet ordre en deçà de ce délai devra être adressée au Premier Ministre, président du Conseil, qui seul pourra autoriser la communication.

Les pièces d'intérêt privé seront communiquées seulement aux personnes qui justifieront qu'elles ont qualité pour en prendre connaissance.

ART. 21. — La communication des documents personnels ou de famille ne pourra être accordée que sur autorisation du chef de service des Archives avec le consentement des chefs des familles intéressées.

ART. 22. — Il sera tenu un registre des demandes de recherches faites par les particuliers et, après la recherche, on mentionnera sur ce registre le numéro et la lettre de série que les pièces portent dans l'inventaire.

ART. 23. — Lorsqu'une pièce ou un dossier déposé aux Archives sera nécessaire pour une raison de service, le chef de bureau compétent pourra demander qu'on le lui remette, sous sa responsabilité, pour un temps déterminé. A l'expiration de ce terme, l'archiviste réclamera les pièces communiquées et le délai ne pourra être prorogé que dans des cas exceptionnels.

ART. 24. — Il sera tenu pour toute communication de ce genre un registre spécial, qui mentionnera la date de la demande, la nature et l'objet de la pièce, le nom et l'emploi du fonctionnaire, la durée présumée de la communication, la date de la sortie, la date de la rentrée. Ce registre sera émargé au moment de la communication par le chef de bureau, et au moment de la réintégration par l'archiviste.

Dans le dossier auquel appartient la pièce communiquée, l'archiviste placera une fiche indiquant la cote de cette pièce et le numéro de la communication dans le registre.

ART. 25. — Les pièces qui seront communiquées au public à l'intérieur des Archives et celles qui en sortiront pour le service du bureau devront toutes, sans exception, être estampillées et, quand l'inventaire sera terminé, elles porteront en outre le numéro et la lettre de l'inventaire.

ART. 26. — Il pourra être délivré aux administrations et aux divers services des extraits et copies des actes, titres ou autres documents déposés dans les Archives (mention sera faite au bas de ces pièces de l'administration à laquelle elles seront destinées).

A l'égard des copies ou calques de plans, les administrations et les particuliers les feront exécuter à leurs frais par des hommes de l'art.

ART. 27. — Les expéditions ou extraits des pièces déposées aux Archives ne seront délivrés aux particuliers par l'archiviste que sur demande écrite.

L'archiviste aura soin, avant délivrance, de viser ces copies pour copie ou extrait conforme et de les marquer du timbre officiel.

ART. 28. — Il sera tenu un registre spécial des expéditions ou extraits mentionnant les noms et qualités des partis qui les ont demandés ainsi que la nature des pièces expédiées.

CHAPITRE IV

Responsabilité des archivistes

ART. 29. — Les fonctions des archivistes comprennent l'exécution des prescriptions des articles précédents, c'est-à-dire la conservation et la mise en ordre des papiers et documents de tout genre, la confection des inventaires, les communications et expéditions des papiers. Ils dirigent le travail de leurs subordonnés. Il ne sera toléré aucune défaillance dans l'accomplissement de leur devoir professionnel.

Ils sont responsables des incidents qui peuvent être imputés au défaut de soins et de surveillance qu'ils auront apportés à la sûreté du local, à la propreté et à la bonne tenue du dépôt, à l'entretien du mobilier.

ART. 30. — A l'époque de l'entrée en fonction de chaque archiviste, il sera procédé obligatoirement à un récolement de l'ensemble des archives conservées dans le dépôt. Il sera dressé, en outre, un état des objets mobiliers dont l'archiviste devra répondre lors de sa sortie de charge [...].

ART. 31. — Tous les ans, au 1^{er} septembre, chaque archiviste rendra compte au directeur de la situation des services de son dépôt, de l'état des inventaires et des améliorations qu'il serait utile d'y apporter.

ART. 32. — Pour une meilleure exécution des divers règlements et instructions, le directeur des Archives ou son délégué devra effectuer, au moins une fois par an, une inspection générale des divers dépôts d'archives du Royaume.

A la fin de chaque année, il fera à son chef hiérarchique un rapport sur la situation de ces services.

TITRE II

DOCUMENTATION GÉNÉRALE

CHAPITRE PREMIER

Règlement général de la Bibliothèque gouvernementale

ART. 33. — Il est créé à Vientiane une Bibliothèque gouvernementale destinée à recueillir et à rassembler des collections d'ouvrages dans tous les domaines de la connaissance. [...]

ART. 34. — La Bibliothèque gouvernementale est placée sous le contrôle immédiat du chef de service des Archives nationales.

ART. 35. — Le fonds de la Bibliothèque est constitué et alimenté par [...].

ART. 36. — Le classement des livres par catégories de titres sera effectué ainsi qu'il suit :

1. *Journaux officiels* et *Bulletins officiels* du royaume du Laos.
2. *Journaux officiels* de l'Indochine.
3. Ouvrages et publications diverses de toute nature concernant le Laos et les autres pays voisins : [...]

ART. 37-42. — [Règlement interne de la Bibliothèque.]

CHAPITRE II

Documentation juridique

ART. 43. — Un fichier législatif sera institué au Centre de Documentation juridique.

CHAPITRE III

Service de prêt de la Bibliothèque

ART. 44-49. — [...]

TITRE III

PUBLICATIONS OFFICIELLES

ART. 50. — L'arrêté présidentiel n° 455/PC du 30 décembre 1959 concernant la publication des textes officiels (*Journal officiel*) [...] reste en vigueur [...].

ART. 51-52. — [Dispositions abrogées. Exécution.]

*Arrêté pris par le Premier Ministre, président du Conseil
le 5 juin 1968*

Organisation du service des Archives nationales du royaume du Laos¹

ARTICLE PREMIER. — Le service des Archives nationales du royaume du Laos, institué par ordonnance royale n° 240 du 12 août 1966, est placé sous l'autorité d'un directeur des Archives nationales.

Il relève de la Présidence du Conseil et, à ce titre, son directeur est placé sous le contrôle du secrétaire général du gouvernement.

ART. 2. — Le service des Archives nationales comprend :

- 1^o Une division des Affaires administratives ;
- 2^o Une division des Bibliothèques ;
- 3^o Une division des Archives nationales ;
- 4^o Une division des Publications officielles.

ART. 3. — La division des Affaires administratives comprend trois bureaux dont les attributions sont définies ci-après :

1. Bureau d'ordre :
 - a) textes de base relatifs à l'organisation intérieure du service ;
 - b)-z) [service du courrier ; etc.]
2. Bureau du personnel : [...]
3. Bureau de la comptabilité : [...]

ART. 4. — La division des Archives nationales, qui est chargée de la réception, de la conservation et de la gestion des archives du gouvernement royal et des administrations qui en dépendent, comprend deux bureaux :

1. Le bureau de réception et de classement des archives ;
2. Le bureau de documentation et de communication des documents.

ART. 5. — Le bureau de réception et de classement des archives comprend deux sections, dont les attributions sont définies ci-après :

1. Section de réception et d'étude :
 - a) réception, inventaire et enregistrement des dossiers ou documents reçus en dépôt et provenant des diverses administrations du Royaume ;
 - b) relations avec les services d'origine des dossiers, [...] ;
 - c) [vérification et] mise en ordre des fonds reçus ;
 - d) préparation des inventaires avec choix des mots clés et rédaction de l'analyse de chaque dossier.
2. Section de classement :
 - a) étude et tenue à jour d'un cadre de classement méthodique et complet des Archives nationales ;
 - b) classement provisoire des fonds au fur et à mesure de leur dépôt ;
 - c) établissement de fichiers alphabétiques et analytiques ;
 - d) rangement des dossiers après cotation des chemises ou cartons ;
 - e) préservation des archives ; lutte contre l'humidité et les insectes ;

1. *Journal officiel* du royaume du Laos, juin 1968, n° 6, p. 232.

- f) vérification des dossiers à éliminer ; propositions de destruction ou de vente des documents ne présentant aucun intérêt ni pour l'administration ni pour l'histoire.

ART. 6. — Le bureau de documentation et de communication des documents comprend deux sections dont les attributions sont définies ci-après :

1. Section de documentation :

- a) mise à la disposition du public de l'état sommaire des documents ;
- b) établissement des fiches analytiques des documents ;
- c) constitution et tenue à jour d'une collection de la documentation intéressant le Laos : études diverses, discours, messages, conventions, traités, accords, cours polycopiés, coupures de presse, etc. ;
- d) constitution et tenue à jour de collections de photos, films, pellicules, cartes, plans, maquettes ;
- e) constitution et tenue à jour d'une collection des actes officiels : lois, ordonnances royales, arrêtés, [...] ;
- f) répertoires analytiques des principaux textes officiels ;
- g) mise à jour des textes officiels ;
- h) relations avec les organismes internationaux pour les acquisitions et échanges de documents ;
- i) recherches en vue de l'enrichissement de la documentation.

2. Section de communication des documents :

- a) examen des demandes de communication de documents d'archives devant être soumises à la décision du chef de division ou du directeur ;
- b) recherches des documents demandés ;
- c) extraits et copies ou photocopies des actes ;
- d) communication des documents à l'intérieur de la division des Archives et surveillance ;
- e) enregistrement des communications ;
- f) réponses écrites aux demandes de communications.

ART. 7-9. — [La division des Bibliothèques.]

ART. 10-14. — [La division des Publications officielles.]

ART. 15-17. — [Statut du personnel de direction.]

ART. 18-19. — [Clause abrogatoire. Exécution.]

LIBAN

INTRODUCTION

Le Liban est un pays en voie de développement archivistique. A la suite de la réforme administrative de 1959, en effet, de nouveaux établissements publics ont été établis tels que le Conseil de la fonction publique, l'Inspection centrale, la Direction générale des Recherches et Orientation. Cette dernière a précisément pour mission de guider les administrations publiques dans le choix des moyens susceptibles de relever le niveau de l'administration, d'en accroître l'efficacité et de la mettre en mesure d'assumer ses responsabilités dans les meilleures conditions ; et plus particulièrement :

- 1° d'envisager la réorganisation des services ;
- 2° d'améliorer les méthodes de travail administratif ;
- 3° d'organiser les archives ;
- 4° d'étudier et de recueillir des statistiques sur les administrations et fonctionnaires publics.

Dans le cadre de l'organisation des archives, la tâche principale de la Direction générale des Recherches et Orientation est donc d'aider les administrations à organiser leurs archives modernes. Elle l'a fait jusqu'à présent dans plusieurs administrations ; citons par exemple le Mouhafazat ou préfecture du Liban-Nord, le ministère du Tourisme, le ministère des Affaires étrangères et des Emigrés, le ministère des Ressources hydrauliques, la Direction générale des Exploitations, etc.

D'autre part, la Direction générale des Recherches et Orientation poursuit le but de coopérer efficacement à la création d'un centre de conservation des archives anciennes de l'Etat tout en participant à l'élaboration des textes qui pourront organiser les Archives nationales du Liban.

Le 25 mai 1962, le décret n° 9555 soumis au Parlement un projet de loi urgent sur la création d'un service d'archives centrales de l'Etat ayant à sa tête un chef de service rattaché à la Direction générale de la Présidence du Conseil des Ministres¹. Ce projet de loi fut adopté par décret du 9 octobre suivant².

Le service ainsi constitué a pour mission principale :

- 1° la gestion des archives libanaises ;
- 2° l'établissement d'un plan de travail archivistique ;
- 3° la fixation des délais de conservation ;
- 4° la réglementation du versement, du tri et du classement ;
- 5° la fixation des moyens et méthodes modernes pour la conservation ;
- 6° la fixation de codes des Archives ;
- 7° la constitution des fonds d'archives et des cadres de classement réglementaires des Archives centrales de l'Etat ;
- 8° l'installation d'un atelier de microfilm.

1. *Infra*, p. 205.

2. *Infra*, p. 205.

Ces dernières tâches feront l'objet d'un décret qui sera pris en Conseil des Ministres. D'autre part, un arrêté en date du 6 janvier 1972 a constitué « une commission pour étudier et déterminer les installations, les équipements et les éléments techniques, administratifs et financiers nécessaires au service des archives centrales de l'Etat ». Cette commission, composée du chef du service des archives centrales de l'Etat, d'un conseiller en organisation et administration auprès de la Présidence du Conseil des Ministres, du chef du Bureau Bâtiment au service des Etudes à la Direction des Bâtiments, et de moi-même, devra remettre son rapport avant juillet 1972. Les travaux de cette commission aboutiront, entre autres, à l'élaboration du décret mentionné ci-dessus.

* * *

Le service des archives centrales de l'Etat est logé provisoirement dans un local appartenant à la Présidence du Conseil en attendant la réalisation de la cité gouvernementale où un emplacement spécial lui sera affecté pour être aménagé en conséquence.

On devra prendre soin d'affecter à ce service un personnel compétent et initié à la connaissance des archives et de leurs problèmes multiples, ayant à sa tête un directeur qualifié, car la réglementation en vigueur a prévu un minimum de personnel pour un maximum de tâches. Le statut de ce service est donc inversement proportionnel à ses fonctions, si bien qu'il est question de réviser le cadre des fonctionnaires du service central des archives de l'Etat ; en effet, ce nombre minimum a été pris en considération pour commencer les travaux, à condition qu'il soit complété après la normalisation de la marche du travail et à la lumière des besoins.

Dans le but d'initier et de former des archivistes, la Direction générale des Recherches et Orientation a prévu avec le Conseil de la Fonction publique un cycle de formation d'archivistes dans le cadre du Département de la préparation et de la formation (Institut national d'Administration et de Développement). Ce cycle est en préparation et commencera dans les plus brefs délais, dès que l'étude nécessaire sera terminée.

Awatef SINNO,
Chef de section
à la Direction générale des Recherches et Orientation,
Beyrouth.

Décret n° 9555 du 25 mai 1962

Projet de loi urgent portant création d'un service des Archives centrales de l'Etat¹

ARTICLE PREMIER. — Est transmis à la Chambre un projet de loi urgent portant création d'un service des Archives centrales de l'Etat.

ART. 2. — [Exécution.]

Exposé des motifs. — Il est apparu, d'après les travaux de la Réforme administrative, qu'il est nécessaire de réorganiser la modalité de classement des dossiers et archives dans toutes les administrations générales, et il a été décidé d'adopter la manière suivante :

1° fixer les délais suivants pour le classement des dossiers :

- a) les archives doivent rester dans l'unité concernée pendant trois ans ;
- b) après quoi elles seront rassemblées au niveau du ministère pendant cinq ans ;
- c) enfin toutes les archives des ministères seront rassemblées auprès d'un service central créé à cette fin ;

2° mettre au point de nouvelles méthodes de classement et de stockage ;

3° créer un atelier central de microfilmage pour réduire le volume des documents et améliorer les modalités de stockage.

Et, étant donné qu'il est nécessaire de créer un service spécial, rattaché à la Direction générale des Recherches et Orientation/Présidence du Conseil des Ministres, pour exécuter ce travail et pour préparer les organisations nécessaires et superviser les travaux des administrations en cette matière ainsi que pour organiser et gérer le travail :

Le projet de loi joint a été préparé, à savoir que le nombre minimum de fonctions a été pris en considération en ce qui concerne le cadre de ce service pour commencer les travaux, à condition que ce nombre soit complété après la normalisation de la marche du travail et ce à la lumière des besoins.

Pour cela, nous vous prions d'approuver le projet de loi en question. [Projet de loi urgent.]

Décret 10020 du 9 octobre 1962

Mise en application du décret du 25 mai 1962²

ARTICLE PREMIER. — Est mis en application le projet de loi urgent transmis à la Chambre par décret n° 9555 du 25 mai 1962 et dont la teneur suit :

« Article Premier. — Il est créé auprès de la Présidence du Conseil des Ministres un « service des Archives centrales de l'Etat, dont le cadre est fixé comme suit : un chef de service, « trois rédacteurs ou commis, un planton, deux ouvriers.

• « Art. 2. — [Entrée en vigueur.] »

ART. 2. — [Publication.]

1. Non publié.

2. Journal officiel, 1962, n° 42, p. 1667 et 1658 (sic).

MALAYSIA

INTRODUCTION

Important as they are both as the memory of the government and a cultural heritage, the records received and produced by the government departments are public property and their proper care and preservation is a public obligation.

To meet this important obligation the Malaysian government established the National Archives (then known as the Public Record Office) soon after Merdeka in December, 1957. Within this fairly short period this young Department has achieved sufficient experience in this new field of activity and has gained recognition from visitors from overseas as the best run archival establishment in this part of the world.

A national archives law was subsequently voted by the Parliament and enacted by the Government in 1966, and amended in 1971.

The main objective of this legislation is to ensure the proper control and maintenance of all public records and, where necessary, the well considered disposal of those which are of no enduring national or historical value. Those selected for permanent preservation are to be transferred to the custody of the Director of National Archives. It is common knowledge that a large number of irreplaceable records were lost in recent times having been destroyed intentionally or otherwise, looted during the war and the ensuing Occupation and occasionally taken out of the country by the former colonial rulers. This legislation seeks to prevent such occurrences in the future.

The main provisions of this Bill are:

- (a) to provide for the establishment of the National Archives of Malaysia and for the appointment of a Director of National Archives by the Yang di-Pertuan Agong and to spell out his duties and obligations,
- (b) to provide for the establishment of an Advisory Board to advise the Director,
- (c) to provide for the transfer to the National Archives of public records over 20 years old and any other records which in the opinion of the Director are of sufficient value to warrant their preservation,
- (d) to impose an obligation on persons who possess public records to deposit them in the National Archives on demand by the Director,
- (e) to prohibit the destruction of public records without the Director's consent,
- (f) to empower the Director to destroy those public records of no permanent value,
- (g) to make public records which are more than 25 years old available to the public for reference and research, subject to conditions imposed at the time of transfer by the transferring departments,
- (h) to prohibit the taking or sending of public records out of Malaysia,

- (i) to provide for a penalty to offenders of \$1,000 or imprisonment for a period of six months or both, and
- (j) to permit the establishment of State Archives by State Governments with the consent of the Yang di-Pertuan Agong.

This legislation is applicable throughout Malaysia except in Sabah and Sarawak in so far as the State records of those two States are concerned which are a matter in the State List of the Constitution for those States.

Much pain was taken in preparing this Law. The archives laws of several countries were consulted, opinions of international experts including UNESCO and the International Council on Archives, the supreme body of archivists, were sought and the draft was circulated to all State Governments for their comments. The law incorporates the most up-to-date principles of archives administration as applicable and adaptable to the situation and requirements of Malaysia.

Mohamad AMIN HASSAN,
Head, Search and Publications Services,
National Archives, Petaling Jaya.

National Archives Act, 1966¹

1. *Short title, commencement and application.*

(1) This Act may be cited as the National Archives Act, 1966 [...].

(2) [...]

2. *Interpretation.* — In this Act, unless the context otherwise requires—

“Director” means the Director of National Archives;

“Minister” means the Minister charged with responsibility for public archives and public records;

“National Archives” means the National Archives of Malaysia established under this Act;

“public archives” means—

(a) public records—

(i) which are more than twenty-five years old;

(ii) which are specified by the Director as being of enduring national or historical value or both; and

(iii) which have been transferred to the National Archives or any such place as the Director may from time to time direct; and

(b) any document, book or other material acquired for the National Archives by the Director;

“public office” means any department, commission, board, corporation, agency, local authority, or any other office of the Government of the Federation or of any State; and includes or excludes such office or corporation or other body as the Yang di-Pertuan Agong may, by notification published in the *Gazette*, declare to be a public office;

“public records” means papers, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, microfilms, cinematograph films and sound recordings of any kind whatsoever, officially received or produced by any public office for the conduct of its affairs or by any officer or employee of a public office in the course of his official duties.

3. *Establishment of National Archives.* — There is hereby established a National Archives of Malaysia wherein shall be stored and preserved public archives and which is hereby declared to be federal.

4. *Management of Archives by the Director and powers of the Director.*

(1) The National Archives shall be managed and controlled by the Director of National Archives who shall be appointed by the Yang di-Pertuan Agong; and for the purpose of such management and control it shall be the duty of the Director—

(a) to describe and arrange all public archives;

(b) to provide facilities for research and reference;

(c) subject to the terms and conditions on which they are acquired, to reproduce or publish any public archives;

¹ *Malaysian Government Gazette*, 18th August, 1966, p. 419. Text as amended by the National Archives (Amendment) Act, 1971, *ibid.*, 23rd September 1971.

- (d) to examine any records in the custody of a public office and to advise such office as to the care and custody of such records;
- (e) to accept and preserve any records which are transferred to the National Archives;
- (f) at the request of any administrative head of a public office, to return to that office for such period as may be agreed upon between the Director and the administrative head and subject to such conditions as the Director may prescribe, the public records transferred from that office to the National Archives;
- (g) to acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director is or is likely to be of enduring national or historical value; and
- (h) to perform such other functions as are necessary for the purpose of the said management and control.

(2) The provisions of paragraph (f) of sub-section (1) shall not be taken to require the Director to return any public records the condition of which does not warrant their removal out of the National Archives.

(3) Nothing in this section shall be deemed to authorise the Director to inspect the contents of any public records that are secret or confidential, except with the consent of the administrative head of the public office having the custody thereof.

5. *Advisory Board.*

(1) For the purpose of advising the Director on the carrying out of his functions under this Act, there shall be established an Advisory Board consisting of a Chairman, the Director, and five other members to be appointed by the Minister.

(2) The Board shall advise the Director on such matters as the Director may from time to time refer to it and on such matters as the Board may think fit.

(3) Three members of the Board shall form a quorum.

(4) The Board shall determine its own procedure.

6. *The Director may act in opposition to Advisory Board.* — [...]

7. *Appointment of officers.* — The Minister may from time to time appoint such officers as are necessary to assist the Director in the carrying out of his functions under this Act.

8. *Transfer of public records to National Archives.*

(1) Any public records which are more than twenty years old, and any non-current public records which in the opinion of the Director are of sufficient value to warrant their preservation, shall be transferred to the National Archives:

Provided that the Minister shall have the power to withhold public records containing secret and confidential information from being transferred to the National Archives.

(2) It shall be lawful for the Director to defer the transfer of any public records to the National Archives where he is satisfied that by reason of the nature of the records the immediate transfer would unduly prejudice the administration of any public service or would not be in the public interest.

9. *Public records to be surrendered on demand.*

(1) Any person having possession of any public records shall on demand in writing by the Director, deposit them in the National Archives (whether it came into his possession before or after the passing of this Act).

(2) Nothing in this section shall be deemed to authorise the Director to demand the

surrender of any public records that are kept in any public office of any State Government except with the consent of that Government.

10. *No officer in any public office may destroy or dispose of public records without the authority of the Director.*

(1) No person shall without the consent of the Director destroy or otherwise dispose of, or authorise the destruction or disposal of, any public records which are in his possession or under his control.

(2) Any person intending to destroy or dispose of or to authorise the destruction or disposal of any public records shall first notify the Director of the said intention and shall in such notification specify the nature of the public records in question.

(3) The Director may inspect any public records specified in any notification under sub-section (2) and shall if he requires such public records to be made available to him, inform the person making such notification of such requirement; and such public records shall be made available to the Director.

11. *Destruction of public records.* — The Director may authorise the destruction of any specified classes of public records which—

(a) by reason of their number, kind or routine nature do not in his opinion possess any enduring value for preservation as public archives; and

(b) are not required for reference purposes in any public office after action on them is completed or after expiration of such period of years from the date on which action on them is completed as may be agreed upon between the Director and the administrative head of that public office.

12. *Access of public to public archives.*

(1) Subject to the conditions under which any public records are made available or are deposited in the National Archives, public archives shall be made available to the public for the purpose of reference or research, in accordance with any regulations made under this Act.

(2) No public officer shall make available to the public for the purpose of reference and research any records, except in the course of his official duties.

13. *Certified copy of public records.* — [...]

14. *Delegation of Director's powers.* — [...]

15. *Publication of public archives.*

(1) No person may publish or reproduce the whole or any part of the contents of any archives or records which have been transferred to the National Archives except with the written consent of the Director.

(2) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

16. *Prohibition or export of public records and archives.* — No person shall without the written permission of the Director take or send out of Malaysia any public record or public archive.

17. *Regulations.* — The Minister may make regulations for the better carrying out of the provisions of this Act; and without prejudice to the generality of the foregoing may—

(a) prescribe the fees to be charged by the Director for the making and certifying of copies of any archives or records in the National Archives;

(b) provide for exempting from the payment in whole or in part of any fees for the making

and certifying of copies of any public archives or public records in the National Archives;

(c) provide for the preservation and protection of archives and records in the National Archives and the conduct of visitors thereto;

(d) provide anything which may be prescribed under this Act.

18. *Penalties.* — [...]

19. *Annual report.* — [...]

20. *Establishment of State Archives.*

(1) A State Government may with the approval of the Yang di-Pertuan Agong, by order establish a State Archives.

(2) The provisions of sections 4 to 19 of this Act shall apply to a State Archives as they apply to the National Archives, subject to the following modifications, that is to say—

(a) references to the National Archives, except in the expression “Director of National Archives”, shall be construed as references to the State Archives;

(b) there shall be read for the word “five” in sub-section (1) of section 5, the word “three” and for the word “three” in sub-section (3) of section 5, the word “two”;

(c) references to the Minister shall be construed as references to the Menteri Besar or, as the case may be, the Chief Minister of the State; and

(d) the reference to each House of Parliament in sub-section (2) of section 19 shall be construed as reference to the Legislative Assembly of a State.

NEPAL

The Kingdom of Nepal has no separate legislation on Archives. But the Ancient Monument Preservation Act of 1956 duly protects all historical documents, manuscripts, inscriptions and other type of archival materials. Some portions of this law were amended in 1962 and 1970.

In 1968, the Government of Nepal published a *Notice on Nepal, Gazette*, volume III, regarding the archival materials. In this Notice, “historical objects” are defined as chronicles, manuscripts, copper-tablets, stone-tablets, inscriptions of any type, manuscripts on brich-bark, manuscripts on palm-leaves, documents on paper, coins, buildings where some major historical events have taken place or buildings where some prominent historical figure has lived, etc.

A special permission from the Government of Nepal is required to export or remove any historical object inside or outside the Kingdom of Nepal.

In 1969, a regulation titled Regulations Regarding the Weeding of Government Records said that “if the head of any Department or Ministry thinks that the documents or records possess some historical, cultural, artistic or any other type of value, he can order them to be sent to the archives, with the exception of some of the most highly confidential ones”.

Shaphalya AMATYA,
Archivist, Department of Archaeology,
Kathmandu.

PAKISTAN

No archival legislation exists as yet in Pakistan; a legislation is being framed by the Government.

A. K. Md. HUMAYUN KABIR,
Deputy Director of Archives, Karachi.

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PHILIPPINES

INTRODUCTION

What we would like to call the Philippine National Archives is but one of the three divisions of the Bureau of Records Management of the Philippine government. Despite the incalculable wealth of its holdings in age-old documentary materials, its stature as a cultural institution has been demoted, time and again, each time there had been administrative reorganization. On its foundation in 1901, it was given the name "insular archives" by the American government which then ruled this country.

The word "insular" was purported evidently to make it national in scope, thus "insular" being given to mean that its radius of action comprised the whole Philippine archipelago. But later, changes in administrative set-up through the years, reduced the archives to a lower category as a mere appendage to purely bureaucratic agencies, that such demotion in status was, to my mind, a reflection upon the academic and cultural background of both the law-makers and the administrators then in charge of the archives. The former, being composed of politicians, were not concerned about an agency which is not vote-potential nor revenue-producing, while the latter, perhaps not fully conversant with the value and great cultural importance of the documentary treasures under their care, allowed the politicians to reduce the institution to size in the government set-up without any protest and contented themselves with their own "dolce farniente".

Government neglect and personnel incompetence condemned an institution destined to exist into retrogression while the nation exists to retrogression.

The documentary collections of the Philippine National Archives consist of an estimated eleven million written records which this country inherited from the Spanish colonial government (1571-1898). Outside of some rudimentary listings and partial inventories of bundles of documents, there never was a cataloguing project of the individual documents undertaken in accordance with the established rules of archival science.

Until 1967, Filipino scholars searching for documentary testimonies of the country and people in the past could not obtain the necessary and pertinent documents owing to disorganized arrangements of holdings and lack of finding aids.

Since three years ago when I undertook in earnest the project of cataloguing these archival materials, although we have only scratched the surface (eighty-one thousand documents so far out of eleven million) I can now say that definitely we have in our custody in Manila the richest collection of Spanish colonial documents in the entire Far East. I have been working for 6 years in European and American archival institutions, and I can say that the Philippine archives can compete in the quality of documentary materials, if not in quantity, with those in Spain and Mexico. Moreover, I can say, that from a study of Philippine documents so far disclosed, thousands of our documents are unique in the sense that copies or duplicates thereof may not be found anywhere else in the world. When we finally shall have completed the

cataloguing of our archival materials, we can be justified in saying that the history of Spanish colonial adventures overseas in general, and in the Philippines in particular, cannot be complete without utilizing or referring to the holdings of the Philippine National Archives.

A partial list of the documents so far microfilmed has been published by the Centre for East Asian Cultural Studies (Vol. IX, Nos. 1-4, March, 1970, Part 4), Toyo Bunko, Japan. We plan to publish a yearly calendar of our holdings which had been catalogued during the year for the information of scholars all over the world. While these projects are in progress, including one that is designed to rehabilitate and restore old documents by lamination, we are presently engaged in a vigorous campaign before the central government authorities, both in the administrative and legislative branches, for a bigger appropriation consistent with the historical significance of our work and to upgrade the academic and moral background of the archives employees (weeding out the incompetent and corrupt) and to make the institution attain the stature of an independent office, either directly under the President of the Philippines or as one of the major bureaus of the Department of Education, thus giving it the stature similar to such an institution abroad, which it deserves.

Domingo ABELLA,
*Director, Bureau of Records Management,
Manila.*

Reorganization Plan No. 8-A, February 14, 1956¹

1. — The functions of the Director of Public Libraries of the Department of Education, in so far as they concern the disposal of public documents (as outlined in Commonwealth Act No. 54 and Executive Order No. 94, p. 35, series of 1947), are transferred to the Department of General Services.
2. — The functions, appropriations, equipment, property, records, and such personnel as may be necessary of the Division of Archives are transferred to the Department of General Services.
3. — There is established in the Department of General Services a Bureau of Records Management.
4. — The Bureau of Records Management, acting for the Secretary of the Department of General Services, is responsible for the promotion of a sound records management program in the government; and it exercises for the Secretary the functions concerning records management transferred to the Department of General Services under this Plan.
5. — The Bureau of Records Management shall be financed during the fiscal year 1956-1957 within the appropriations made for the operation of the Division of Archives for the same year.
6. — The functions of the Department of General Services concerning records management are clarified in the following sections of this Plan.
7. — When used in this Plan:
 - (a) The term "Records" means any paper, book, photograph, motion picture film, microfilm, sound recording, drawing, map, or other document of any physical form or character whatever, or any copy thereof, that has been made by any entity or received by it in connection with the transaction of public business, and has been retained by that entity or its successor as evidence of the objectives, organization, functions, policies, decisions, procedures, operations or other activities of the Government, or because of the information contained therein.

There are excluded from this definition:

 - (1) Library material acquired by an entity solely for the information and use of its staff and the public and not created or received by it incidentally to the transaction of public business;
 - (2) Museum material acquired and preserved solely for exhibition;
 - (3) Documents submitted for copyright;
 - (4) Models submitted in connection with applications for patents;
 - (5) Extra copies of the documents preserved solely for convenience of reference; and
 - (6) Stocks of publication and processed documents.

Upon the request of any entity, the Secretary of the Department of General Services shall have the authority to determine whether any particular body of materials falls within this definition.
 - (b) The term "entity" means every instrumentality of the Philippine Government whether legislative, executive, or judicial.

1. *Official Gazette*, March 31, 1958, Vol. 54, No. 6, p. 1734.

- (c) The term "Department" means the Department of General Services.
- (d) The term "Secretary" means the Secretary of the Department of General Services or his duly authorized representative or representatives.
- (e) The term "President" means the President of the Republic of the Philippines.

8. — The head of each entity shall make, cause to be made, or file only such records as in his opinion are necessary to provide for the continued effective operation of the entity of which he is the head, to constitute an adequate and proper recording of its activities, and to protect the legal rights of the Government of the Republic of the Philippines and of the people.

9. — It shall be the duty of the head of each entity:

- (a) To acquaint officials and employees under his jurisdiction with the provisions of the Revised Penal Code governing public records, namely Articles 171, 174, paragraph 2, 226, 228 and 229;
- (b) To insure that officials and employees turn over all records to their successors; and
- (c) To establish such safeguards against removal or loss of records as he shall determine necessary or as may be provided by rules and regulations.

10. — The Department shall establish and operate records centers for the storage, servicing, security, and screening of all records which must be preserved for a time but need not be retained in office equipment space.

11. — The Department shall evolve and promote Government wide improvements and economies in records management. These improvements and economies shall include:

- (a) Standards and controls for record making and record keeping, selective records preservation, scheduled records disposal and transfer to records centers;
- (b) Discriminating application of tested methods, practices, materials, equipment, and machines to record making and record keeping;
- (c) Authorization by law to inspect records and to require reports as to their management;
- (d) Training programs directed at improving the effectiveness and technical knowledge of personnel assigned to records making and records keeping, and for physical, legal, and security safeguards for all records (...).

12. — The Department shall administer the Archives of the government and shall make special provisions for preserving, studying and servicing records having permanent value and historical interest by:

- (a) Developing a program of several year duration to rehabilitate, catalog, and store pre-World War II records which have permanent value and historical interest;
- (b) Developing a program for the preservation, cataloguing, and storing of post-war records which have permanent value and historical interest; and
- (c) Providing for the loan or assignment of historical materials or copies thereof to national cultural entities for the purpose of exhibition or study.

13. — The Secretary of the Department shall determine what public records, papers, and documents shall be kept in the Archives. He shall be an "ex-officio" notary public.

14. — There shall be an official seal for the Archives which shall be judicially noticed. Said seal shall be used on all certified copies of documents and papers issued by the Archives and on all other papers upon which a seal from said office may be required, whether in notarial capacity or otherwise.

15. — The Secretary shall cause to be furnished, without charge, for official use, such information from the Archives and certified copies of papers contained therein as may be requested by the President, the Head of any entity, or any provincial board or municipal council.

16. — The Secretary shall cause to be furnished at cost, to any private person or persons making written application for the same, one or more copies of any document or paper in the Archives in which such person or persons may be personally concerned and to which he or they may be entitled, the same to be accompanied by a certificate or its correctness, if desired.

17. — All records belonging to the Government of the Republic of the Philippines, shall be under the control and supervision of the Secretary. To this extent:

- (a) He shall have full power to inspect the records of any entity of the Government whatsoever and wherever located, and it shall be the duty of the head of each entity to grant the Secretary access to any and all of its records for inspection purposes and to direct any and all persons in charge of such records to cooperate with the Secretary in such inspection;
- (b) He shall have full power to requisition for transfer to the Department any records that fall within the class of records defined by the Department to be transferred to it; and
- (c) He shall have full power to make regulations for custody, arrangement, description, use, and withdrawal of records transferred to the Department: Provided, that the Head of any entity may, at the time records are transferred to the Department, with the approval of the Secretary, impose such restrictions on the use of records transferred from the entity of which he is the head as he may deem wise: And Provided further, that nothing herein contained shall be construed to limit the power of the head of any entity to designate certain records in his custody as confidential, the same effecting the national security of the Republic of the Philippines, in which case, the foregoing provisions of this section shall not apply.

18. — Records of any entity, except when specifically authorized by statute or executive order, or when required in the performance of a function that has been transferred by authority of a statute of executive order, shall not be permanently transferred or loaned for indefinite periods to another entity unless approved by the Secretary: Provided, that nothing herein contained shall prevent the head of any entity from furnishing records in his custody for use as evidence in courts or for use by the Congress of the Philippines or from loaning records in his capacity for a specified period in accordance with regulations, if in his opinion, the loan of such records is necessary or desirable.

19. — It shall be the duty of the Secretary to advise and cooperate with the heads of entities or their assistants designated to serve in a liaison capacity with the Department and to make available to the entities the knowledge and experience of the Department in records management.

20. — It shall be the duty of the Secretary, whenever he finds that any provisions of this plan have been or being violated to submit in writing to the head of the entity concerned a report as to the conditions found and recommendations as to corrective measures. Unless corrective measures satisfactory to the Secretary are inaugurated within a reasonable time, the Secretary shall submit a written report thereon to the President.

21. — Whenever any records, the use of which is subject to statutory limitations and restrictions, are transferred to the custody of the Secretary, such permissive and restrictive statutory provisions theretofore applicable to the head of the entity having custody of such records and to employees thereof shall thereafter be applicable to the Secretary of the Department and its employees.

22. — Any official of the Philippine Government who is authorized to certify to facts on the basis of records in his custody is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the custody of the Secretary.

23. — Each entity of the Philippine Government shall designate an official as Records Management Officer who shall have as his duty or part of his duties the planning, development, and organization of a records management program for the entity for the purpose of effecting maximum improvements and economies in the entity's records making, record keeping and selective records preservation; to cooperate with the Department and to use its entity to the provisions of this Plan and rules and regulations promulgated pursuant thereto.

24. — The Secretary is hereby authorized, with the concurrence of the head of the entity concerned, to direct the destruction or disposal of records of the Philippine Government in such manner as the Secretary shall deem best.

Records pertaining to claims and demands by the Government of the Republic of the Philippines or against it, or to any accounts in which the Government of the Republic of the Philippines is concerned either as debtor or creditor, which are required to be audited by the General Auditing Office, shall not be destroyed or otherwise disposed of by the head of any entity under the authorization granted pursuant to the Provisions of this Plan except upon written approval of the Auditor General.

25. — Photographs or microphotographs of any records made in compliance with the regulations promulgated as provided in this Plan, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

26. — All moneys derived by any entity from the sale of records authorized for disposal under the provisions of this Plan shall be paid into the Treasury of the Republic of the Philippines unless otherwise required by existing law applicable to the entity.

27. — It shall be the duty of the Secretary to notify the Secretary of the Department of Justice of any loss, threatened or actual, by unlawful removal or destruction of records that shall come to his attention. It shall also be his duty to initiate through the Secretary of the Department of Justice the recovery of records which he finds to have been or believes to have been unlawfully removed from official custody.

28. — The Secretary shall promulgate rules and regulations to implement the provisions of this Plan.

29. — [Former acts amended and/or repealed.]

Executive Order No. 290, March 14, 1958

Organization of the Department of General Services¹

[Only Sections 22 to 27 of this Executive Order deal with Archives.]

Section 1. — The organization, functions, and operations of the Department of General Services, hereinafter referred to as the "Department", shall be in accordance with the provisions of Reorganization Plans Nos. 4-A, 5-A, 7-A, 8-A and 9-A, hereinafter referred to as the Plans, and this Implementing Details.

Functions of the Bureau of Records Management

Section 22. — The Bureau of Records Management, hereinafter referred to under this title as the "Bureau", shall plan, develop, and coordinate government-wide programs, policies, rules, and regulations governing the use, storage, and disposition of current operating records of permanent or historical value.

Section 23. — There shall be an Administrative Assistant in the Office of the Director of the bureau who shall arrange for and coordinate administrative services provided by the Department. The Administrative Assistant shall prepare and process personnel papers and forms and supply requisitions; maintain files of current operating records and necessary personnel documents; direct and coordinate clerical, messengerial, janitorial, and guarding services; and assist in collecting, compiling, and preparing materials and data needed for budget proposals of the bureau.

Section 24. — The bureau shall have a Current Records Division, an Archives Division, and a Records Storage Division: Provided, that the Records Storage Division shall be inoperative until its operation is deemed feasible by the Secretary.

Section 25. — The Current Records Division shall serve primarily as a planning, regulating, policy-making, and advisory unit on matters concerning the use, storage, and disposition of operating records of government entities.

a) This Division shall have the following duties, responsibilities, and functions, among others:

- (1) conduct research and studies, develop criteria, standards and controls and promulgate policies, rules and regulations on the creation, storage, security, preservation, maintenance, transfer, disposition, disposal, and retirement of records of the various government entities;
- (2) inspect and appraise the records of government entities; determine those records to be retired or destroyed; recommend whether a particular body of materials is included within the scope of the Bureau's work; and requisition those determined transferable to the Department or to the records storage centers;
- (3) direct and determine the methods of disposal or destruction of records;
- (4) report any loss of records in the custody of the Division and of such other entities of which it might acquire information and initiate action to recover records lost or unlawfully removed from official custody;

- (5) require reports and statistics from government entities on their records management activities and analyze these data to determine the effectiveness of the Bureau's programs;
- (6) develop and initiate training programs in records management for entities concerned with records management of the various government entities;
- (7) conduct studies and make recommendations on the necessity and feasibility of activating the Records Storage Division; and
- (8) provide technical advice and assistance to all entities and instrumentalities of the government in matters concerning records management.

Section 26. — The Archives Division shall store, services and rehabilitate documents and records of permanent value and/or historical interest. The Division shall have a Reference Service Section, a Spanish Documents Section, and a General Documents Section, with corresponding duties and responsibilities as follows:

- a) The Reference Service Section shall have the following functions, among others:
 - (1) operate a reading room for the general public;
 - (2) answer inquiries and correspondence relating to documents and records of the Division;
 - (3) issue photostatic or certified true copies of documents and records in their files;
 - (4) recommend fees to be charged for copies of documents and records; and
 - (5) loan or assign historical materials or copies thereof to national cultural entities for the purpose of exhibition or study.
- b) The Spanish Documents Section shall have the following functions, among others:
 - (1) acquire, rehabilitate, service, index, catalog, and store documents and records pertaining to the Spanish Government of the Philippines; and
 - (2) recommend policies and programs related to the acquisition, storage, and use of these documents and records.
- c) The General Documents Section shall have the following functions, among others:
 - (1) receive, classify, index, catalog, and service all archives documents and records not classified as Spanish documents, such as notarial registers and registration of cattle brands, mortgages and trust deeds; and
 - (2) recommend policies and programs related to the acquisition, storage, and use of these documents and records.

Section 27. — The Record Storage Division shall establish and operate records storage centers to house documents and papers which are to be preserved for a period of time but which need not be retained by the government entities concerned.

- a) This Division shall have the following functions, among others:
 - (1) establish records storage centers to receive, classify, index, and service records and documents deemed unnecessary for current operating purposes of the entities concerned;
 - (2) establish operating rules, regulations, and procedures governing the activities of records storage centers; and
 - (3) make recommendations on policies, rules and regulations concerning the transfer or loan of documents in the custody of records storage centers; and
 - (4) report any loss of records in the custody of records storage centers and initiate action to recover them.

Revised Penal Code, 1969

Dispositions governing public records¹

ART. 171. *Falsification by public officer, employee or notary or ecclesiastic minister.* — The penalty of prision mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary, who taking advantage of his official position shall falsify a document by committing any of the following acts:

1. Counterfeiting or imitating any handwriting, signature or rubric;
2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
4. Making untruthful statements in a narration of facts;
5. Altering true dates;
6. Making any alteration or intercalation in a genuine document which changes its meaning;
7. Issuing in authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such copy a statement contrary to, or different from, that of the genuine original; or
8. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book.

[...]

ART. 226. *Removal, concealment or destruction of documents.* — Any public officer who shall remove, destroy or conceal documents or papers officially entrusted to him, shall suffer:

1. The penalty of prision mayor and a fine not exceeding 1,000 pesos whenever a serious damage shall have been caused thereby to a third party or to the public interest.
2. The penalty of prision correccional in its minimum and medium periods and a fine not exceeding 1,000 pesos, whenever the damage caused to a third party or to the public interest shall not have been serious.

In either case, the additional penalty of temporary special disqualification in its maximum period to perpetual special disqualification shall be imposed.

[...]

ART. 228. *Opening of closed documents.* — Any public officer not included in the provisions of the next preceding article who, without proper authority, shall open or shall permit to be opened any closed papers, documents or objects entrusted to his custody, shall suffer the penalties of arresto mayor, temporary special disqualification and a fine not exceeding 2,000 pesos.

ART. 229. *Revelation of secrets by an officer.* — Any public officer who shall reveal any secret known to him by reason of his official capacity, or shall wrongfully deliver papers or copies of papers of which he may have charge and which should not be published shall suffer the penalties of prision correccional in its medium and maximum periods, perpetual special disqualification and a fine not exceeding 2,000 pesos if the revelation of such secrets or the delivery of such papers shall have caused serious damage to the public interest; otherwise, the penalties of prision correccional in its minimum period, temporary special disqualification and a fine not exceeding 500 pesos shall be imposed.

¹. Republic Act No. 5465 (Official Gazette, September 29, 1969, No. 39, p. 10194 Q).

SINGAPOUR

National Archives and Records Centre Act, 1967¹

1. *Short title and commencement.* — This Act may be cited as the National Archives and Records Centre Act, 1967 [...].

2. *Interpretation.* — In this Act, unless the context otherwise requires—

“Centre” means the National Archives and Records Centre established under section 3 of this Act;

“current records” means those public records which are preserved by the departments which produce or receive them, because they are required for reference in order to complete the business to which they relate;

“Director” means the Director of National Archives and Records appointed under section 4 of this Act;

“intermediate records” means those public records which although no longer required as current records, cannot be destroyed, either because they possess contemporary value or because they have been assessed as suitable, after further consideration and classification, for eventual inclusion in the Centre;

“public archives” means those public records which—

(a) are more than twenty-five years old;

(b) are specified by the Director as being of enduring national or historical value; and

(c) have been transferred to the Centre or to such other place as the Director may from time to time determine;

“public office” means any department, office, institution, agency, commission, board, corporation, local authority or statutory body or any other office of the Government or branch or sub-division thereof, and includes any other body as the President may, by notification in the Gazette, declare to be a public office;

“public records” means papers, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, micro-films, cinematograph films and sound recordings of any kind whatsoever, produced or received by any public office in the transaction of official business, or by any officer in the course of his official duties, and includes current records, intermediate records and public archives;

“Committee” means the Archives and Records Committee established under section 5 of this Act.

¹ *Singapore Government Gazette, Acts Supplement*, No. 25, 18 September 1967, p. 259-265. Text procured by Mrs. Hedwig ANUAR, Director, National Archives and Records Centre, Singapore. — See F. R. J. VERHOEVEN, *Singapore: the National Archives and Records Management, 15 April-14 August 1967*, Paris, UNESCO, 1967 (Serial No. 324 BMS. RD/DBA), which provided the basis for Singapore's archives legislation.

3. *Establishment of National Archives and Records Centre.* — There shall be established a National Archives and Records Centre, wherein shall be stored and preserved public records.

4. *Appointment of Director.*

(1) The Minister shall appoint a Director of National Archives and Records who—

- (a) shall direct, manage and control the Centre;
- (b) shall examine the public records in any public office and shall advise such office as to the care and custody thereof;
- (c) shall preserve, describe and arrange all public archives;
- (d) shall accept, store and preserve any public records transferred to the Centre;
- (e) shall conduct a records management programme for the efficient creation, utilization, maintenance, retention, preservation and disposal of public records;
- (f) shall, at the request of any administrative head of a public office, return any public records transferred from that office to the Centre for such period as may be agreed upon and subject to such conditions as the Director may prescribe;
- (g) shall publish guides, inventories and other publications as are required from time to time to make known the holdings of the Centre;
- (h) may, if in his opinion it is necessary for their better preservation, bind or repair any public records which have been transferred to the Centre;
- (i) may, subject to the terms and conditions, if any, on which they were acquired, reproduce or publish any public archives;
- (j) may make available for inspection, for the purpose of reference or research, any public archives;
- (k) may acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director is or is likely to be of enduring or historical value; and
- (l) may perform such other functions as are necessary for the purpose of the direction, management and control of the Centre.

(2) The provisions of paragraph (f) of subsection (1) of this section shall not be taken to require the Director to return any public records the condition of which does not warrant their removal out of the Centre.

(3) Nothing in this section shall be deemed to authorise the Director to inspect the contents of any public records that are classified as secret or confidential, except with the consent of the administrative head of the public office having the custody thereof.

5. *Establishment of an Archives and Records Committee.*

(1) There shall be established an Archives and Records Committee, which shall consist of the Director as Chairman and five other members to be appointed by the Minister.

(2)-(5) [Appointment of members, term of office, procedure.]

6. *Appointment of officers.* — The Minister may from time to time appoint such officers as are necessary to assist the Director in the carrying out of his functions under this Act.

7. *Transfer of public records and intermediate public records.*

(1) Any public records which are more than twenty-five years old and any intermediate public records which in the opinion of the Director are of sufficient value to warrant their preservation shall be transferred to the Centre.

(2) It shall be lawful for the Director to defer the transfer of any public records to the Centre where he is satisfied that by reason of the nature of the records the immediate transfer would unduly prejudice the administration of any public service or would not be in the public interest.

8. *Return of illegally removed public records.* — The Director shall demand in writing and take steps for the return of any public records belonging to the Government that have been illegally removed from official custody.

9. *Destruction or disposal of public records only on authority of Director.*

(1) No person shall without the authorisation of the Director under subsection (4) of this section, destroy or otherwise dispose of, or authorise the destruction or disposal of, any public records which are in his possession or under his control.

(2) Any person intending to destroy or dispose of or to authorise the destruction or disposal of any public records shall first notify the Director of the said intention and shall in such notification specify the nature of the public records in question.

(3) The Director may inspect any public records specified in any notification under subsection (2) of this section and shall if he requires such records to be made available to him, inform the person making such notification of such requirement, and such public records shall be made available to the Director.

(4) The Director may authorise the destruction of any specified classes of public records which—

- (a) by reason of their number, kind or routine nature do not in his opinion possess any enduring value for preservation as public archives; and
- (b) are not required for reference purposes in any public office after action on them is completed or after the expiration of such period of years from the date on which action on them is completed as may be agreed upon between the Director and the administrative head of that public office.

10. *Inspection of public records.*

(1) No person, who is not an officer of the Centre, may inspect any public records, other than public archives, which have been transferred to the Centre without the written authority of the Director.

(2) Any person may, for the purpose of reference or research, inspect any public archives made available to the public subject to—

- (a) any conditions or restrictions imposed by the office, officer or person from whom they were acquired; and
- (b) such conditions as the Director may consider necessary for their preservation.

(3) The Centre shall be open for the inspection of public records during such hours as may be fixed by the Director with the approval of the Minister.

11. *Certified copy of public records.* — [...]

12. *Delegation of Director's powers.* — [...]

13. *Reproduction of public records.*

(1) No person shall publish or reproduce the whole or any part of the contents of any public records which have been transferred to the Centre except with the written consent of

the Director and in accordance with such conditions as may be imposed by the Director or the person from whom they were acquired.

(2) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

14. *Prohibition of export [and mutilation] of public records.* — No person shall—
(a) without the written permission of the Director take or send out of Singapore any public record;
(b) write on, mark, inscribe or otherwise deface any public record; or
(c) mutilate, excise or otherwise damage any public record.

15. *Regulations.* — [...]

16. *Penalties.* — Any person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

17. *Annual report.* — [...]

SYRIE

Décret législatif n° 5 du 11 février 1936

Sur la publication et la conservation des lois¹

[Seuls six articles de ce décret concernent les archives.]

ART. 5. — La publication [des lois, décrets, arrêtés, etc.] au *Journal officiel* est constatée par le dépôt aux Archives centrales de l'Etat d'un exemplaire original daté et signé par le directeur de l'imprimerie et par le chef de bureau ou de service chargé de la conservation des Archives de l'Etat. Mention de ce dépôt est portée à la même date et sous les mêmes signatures au « Registre des publications officielles » tenu par le chef de bureau ou de service des Archives.

ART. 6. — La publication par affichage [...] est constatée par une mention de cette opération portée le même jour sur l'exemplaire original conservé aux Archives du Sérail ou de la municipalité et sur une copie certifiée conforme adressée, également le même jour, à l'autorité supérieure. [...]

ART. 14. — [...] Le numérotage des lois, décrets ou arrêtés ministériels [dans le *Journal officiel*] a lieu dans l'ordre chronologique de leur dépôt aux Archives centrales, en séries distinctes pour chaque catégorie d'actes et reprenant au numéro 1 au début de chaque exercice financier.

ART. 15. — Les actes originaux des lois, décrets, arrêtés ministériels et circulaires générales sont conservés aux Archives centrales de la République syrienne, sous la responsabilité du chef de bureau ou du service spécialement délégué à cet effet.

La réception des documents est constatée par une mention au registre des publications officielles. La publication au *Journal officiel* a lieu d'après une copie certifiée conforme par ce fonctionnaire et adressée par lui à la rédaction du *Journal officiel*.

Les actes originaux des autorités locales portant règlement permanent sont conservés sous la responsabilité personnelle du chef de la correspondance, du président ou secrétaire général de la municipalité, selon le cas. Une copie certifiée conforme de l'acte est établie en deux exemplaires par l'autorité qui l'a édictée et adressée au ministère de l'Intérieur pour être classée aux Archives centrales. Le chef des Archives transmet, s'il y a lieu, le deuxième exemplaire à la rédaction du *Journal officiel* pour l'y faire insérer.

1. *Journal officiel de la République syrienne*, n° 8 (19 mars 1936), p. 51. Texte communiqué par M. Samir DARWICH, directeur général de l'Office arabe de presse et de documentation, Damas.

ART. 16. — Le chef des Archives centrales pour les actes du pouvoir central, le chef de la correspondance ou le président de la municipalité ou son secrétaire général, selon le cas, dans les circonscriptions provinciales ou municipales pour les actes des autorités locales, ont seuls qualité pour délivrer copie sur papier libre des actes déposés aux Archives. Cette copie est toujours délivrée sous réserve d'erreur ou d'omission.

[Droit de timbre et taxe.]

ART. 17. — Des décrets détermineront :

1^o la forme ainsi que les règles à suivre pour la publication, l'impression et la distribution du *Journal officiel* ;

2^o les règles spéciales d'organisation, de classement et de conservation des archives centrales de l'Etat, des archives des ministères ou des corps de l'Etat, ou des archives régionales et locales¹.

ART. 18-19. — [Clause abrogatoire. Publication.]

1. Ces décrets n'ont pas été pris.

TAIWAN

La loi archivistique de Taiwan est en cours de révision¹.

1. Renseignement fourni par M. Chi-Lo HUANG, président de l'Académie nationale d'Histoire et des Archives historiques, Taipei.

THAÏLANDE

INTRODUCTION

The regulations published below were first issued in 1963 as one Chapter 3 in *Regulations of the Office of the Prime Minister on Records Work, 1963 and Supplement*.

At that time consideration had not yet been given to the role of the National Archives in relation to the records of Government agencies. Such consideration is now being given, and these regulations are being reviewed. One objective of the review is to provide for consultation between the National Archives and the agency concerned in respect of the disposition of its records whether by destruction or transfer to the National Archives.

Chua SARIMAN,
*Director-General, Fine Arts Department,
Bangkok.*

Regulations on Records Work 2506, 1963

issued by the Office of the Prime Minister¹

[Only one chapter of those Regulations deal with records.]

CHAPTER III

Retention, lending and disposition of records

28. — The retention of records shall be of two kinds:

- retention while in current use;
- retention after the operations to which they relate have been finished.

1. The retention of records while in current use relate to the keeping of current records under the responsibility of the official unit that produces the records, but the officer in charge of central records must also carry some responsibility for those records.

2. The retention of records after current use relates to the keeping of records that after they are no longer used by the unit that produces them. Generally this work is the responsibility of the files unit of the Central Division within the Office of the Under-Secretary of any Ministry, or at the Correspondence section of a Department. If any official unit wants to preserve its own non-current records, because the records are required to be examined regularly, or because there is specific area for the storage of records, or because it will be inconvenient to keep those records under the care of the Correspondence section, they may do so. The provincial administrative authorities may protect their own records by appointing records officers, and by observing this regulation.

3. Records which have ceased to be in current use and before being sent to be stored in the files unit, must be marked with the period of time to elapse before they are disposed of. The marking must be done in accordance with rules 32 and 33.

29. — In taking care of records being retained after current use, the date, month, year, number of documents and the subject of those in coming records must be noted and a list of documents in each file must be prepared.

All the records to be retained must be classified (see the classification of subjects in the supplement) and sub-classified as considered necessary to ensure convenience and readiness when specific files are needed.

30. — The records official should take good care of the files, make them always ready for use, repair them when needed, replace if practicable what has been lost with a duplicate of the same sort, and make the files as complete as possible.

31. — Lending of non-current records should be treated as follows:

1. The borrower must give an official request to the record official and sign his name on the lending card. The records official must collect all the requests, and file them alphabetically for convenience when they are needed. The lending card must be kept in place of the borrowed records.

2. Borrowing the records by another Department is permitted on certain conditions. The official who borrows and takes the files must be one who comes with an official request from an official unit not lower than that of Division. The official who gives permission must not be lower than Division Chief, or acting Division Chief.

3. When borrowing within the same Department, the official who comes with an official request must be from the Section Chief concerned and the official who gives permission must not be lower than Section Chief.

4. The records official is not authorized to allow other persons to read or copy anything from the records, unless he is given permission by an official not lower than Division Chief.

32. — Generally records must be retained for a period of not less than 10 years, with the exception of the records clearly of no value. The following types of records having the following nature must be permanently preserved:

1. The records having historical, statistical and cultural values, or other research purposes.

2. The records possessing legal evidence such as the case files of the courts of justice or of investigation, or of financial evidence, etc. Such must be preserved in accordance with the law and regulation determined for each purpose.

33. — Selection and disposition of records will be treated as follows:

1. Each year the records official must check the records suitable for disposal, make a list of them, and submit the list to the superior. The Chief of the official unit having decided that the records on the list warrant disposal, a Committee for disposal of records will be appointed to select which records should be destroyed and to control their destruction. The Committee will have the following responsibilities:

(1) To recommend what particular kinds of records can be disposed of by destruction bearing in mind any regulations already laid down.

(2) To submit to the Chief of the official unit a report and the list for consideration and approval.

(3) To carry on the work of destruction of the records after permission is given, passing a duplicate copy to the record official who will retain it and annotate the relevant registers and list.

(4) To control the destruction of records by means of burning, or in any other way considered suitable.

(5) To submit the report on the result of the work to the Chief of the official unit, and then to preserve the report as official evidence.

2. The Chief of any official unit has authority to appoint a Committee and to give permission for the destruction of official records. In respect of the central administrative government, the Under-Secretary of a Ministry, Director-General of a Department or the one with similar authority is considered suitable; in respect of the regional administrative government, the Governor of the province or the Amphoe Chief is considered suitable.

¹ *Regulations of the Office of the Prime Minister on Records Work, 1963 and Supplement*, Department of the Royal Navy Adjutant General's Press, 1963, 184 p. — Text translated by Mrs. Choosri SWASDISONGKRAM, Chief of the National Archives Division.

RÉPUBLIQUE DU VIÊT-NAM

INTRODUCTION

Un projet de loi sur les Archives du Viêt-Nam est actuellement soumis à l'examen du gouvernement, en même temps que deux autres projets portant respectivement sur les bibliothèques nationales et sur le dépôt légal¹.

En attendant la publication d'une loi sur les Archives, la Direction des Archives et Bibliothèques nationales s'appuie, dans ses travaux et dans son fonctionnement, principalement sur les deux textes suivants :

- le décret présidentiel du 13 avril 1959 et l'arrêté ministériel d'application du 20 août 1959² ;
- l'ancien arrêté du 26 décembre 1918 du gouverneur général de l'Indochine, dans les limites, bien entendu, des dispositions qui restent encore valables et avec des modifications qui s'imposent³.

Nguyễn KHẮC-TRÍ,
Chef du service des Archives
à la Direction des Archives et Bibliothèques nationales, Saigon.

1. Un tout récent décret du premier ministre, le décret 120-SL/QVK/VH du 8 octobre 1971, vient d'ériger la Bibliothèque nationale en institution autonome, régularisant ainsi la situation de cet organisme qui, jusqu'à cette date, ne portait pas encore officiellement le nom de Bibliothèque nationale. Désormais, elle ne relève plus de l'autorité de la Direction des Archives et Bibliothèques, mais directement du ministre d'Etat chargé des Affaires culturelles.

2. *Infra*, p. 240-242.

3. Cet arrêté, publié dans le *Journal officiel de l'Indochine*, n° 1 bis (1^{er} janvier 1919), p. 29-40, n'est pas reproduit ici. Il ne saurait en effet être regardé comme texte en vigueur. On pourra en prendre connaissance, à titre informatif, en se reportant au décret d'application de l'ordonnance royale du 12 août 1966 portant création du service des Archives nationales du royaume du Laos (*supra*, p. 196-200), dont les articles 9 à 31 reproduisent ce texte, à quelques très légères modifications près.

Création de la Direction des Archives et Bibliothèques nationales¹

ARTICLE PREMIER. — Il est créé une Direction des Archives et Bibliothèques nationales qui relève directement du ministère de l'Education nationale².

ART. 2. — La Direction des Archives et Bibliothèques nationales est chargée de :

1° dans le domaine des archives et bibliothèques :

- a) organiser, guider et contrôler les bibliothèques nationales et les bibliothèques publiques dans tout le pays ;
- b) recevoir et assurer la conservation des documents versés ou déposés par les ministères, les directions et les services gouvernementaux ;
- c) guider et prêter son concours technique à l'organisation et au fonctionnement des services et bureaux d'archives dans tout le pays ;
- d) assumer la formation du personnel technique des bibliothèques et des services d'archives dans les organismes gouvernementaux ;

2° dans le domaine du dépôt légal : assurer le service du dépôt légal et résoudre tous les problèmes y ayant trait ;

3° dans le domaine des bibliothèques : établir et publier des bibliographies et des recueils de législation nationaux.

ART. 3. — La Direction des Archives et Bibliothèques nationales est placée sous l'autorité d'un directeur, assisté d'un sous-directeur. [Recrutement.]

ART. 4. — Suivant les besoins, il pourra être établi des services annexes dans le Centre et sur les Hauts-Plateaux.

ART. 5. — [Rémunération du personnel de direction.]

ART. 6. — En dehors des attributions citées dans l'article 2, le directeur des Archives et Bibliothèques est encore chargé d'étudier et de réaliser des échanges internationaux de publications.

ART. 7. — Il est constitué auprès du directeur des Archives et Bibliothèques nationales un Conseil d'administration dont la composition et les attributions seront fixées par un arrêté du ministre de l'Education nationale³.

ART. 8. — [Bibliothèques.]

ART. 9. — Un arrêté du ministre de l'Education nationale fixera l'organisation et les attributions de la Direction des Archives et Bibliothèques nationales.

ART. 10. — [Budget.]

ART. 11. — [Exécution et publication.]

1. *Journal officiel de la République du Viêt-Nam*, 25 avril 1959, n° 18, p. 1339-1340. — La traduction est due à M. Nguyễn KHÁC-TRÍ.

2. La Direction des Archives et Bibliothèques nationales relève des services du ministre d'Etat chargé des Affaires culturelles depuis le 7 mars 1969, date de la création de ce ministère (décret 21-SL/QVK/VH, publié dans le *Journal officiel* du 22 mars 1969, n° 15).

3. *Infra*, p. 242 (art. 8-10).

Organisation de la Direction des Archives et Bibliothèques nationales¹

ARTICLE PREMIER. — La Direction des Archives et Bibliothèques nationales est placée sous l'autorité d'un directeur, assisté d'un sous-directeur. Elle est chargée de :

A) Dans le domaine des bibliothèques : [...]

B) Dans le domaine des Archives :

- a) recevoir, conserver et organiser, selon des règles établies, tous les documents publics ayant plus de 10 ans de date, versés par les organismes gouvernementaux ;
- b) rassembler, classer et restaurer les dossiers et documents ayant un intérêt historique ;
- c) assurer la communication des dossiers et documents dont elle a la garde aux chercheurs et aux administrations et services publics intéressés ;
- d) procéder à l'élimination des documents jugés inutiles après avoir pris avis d'un Conseil dont la composition sera fixée par le ministère de l'Education² ;
- e) assumer la formation du personnel technique des archives ; recevoir en stage pratique les fonctionnaires préposés aux archives envoyés par les différents services gouvernementaux.

C) Dans le domaine du dépôt légal : [...]

D) Dans le domaine des bibliographies : [...]

ART. 2. — [Echange des publications.]

ART. 3. — La Direction des Archives et Bibliothèques nationales comprend :

- le Bureau d'Ordre et de Comptabilité ;
- le Service des Archives et Bibliothèques ;
- le Service technique.

ART. 4. — [Attributions du Bureau d'Ordre et de Comptabilité.]

ART. 5. — Le Service des Archives et Bibliothèques, placé sous l'autorité d'un chef de service, comprend deux bureaux dirigés chacun par un chef de bureau :

A) Le Bureau des Archives est chargé de :

- recevoir les dossiers et documents versés par les administrations et services publics de la capitale et des provinces ;
- classer et inventorier ces documents ;
- assurer la communication des documents conservés et éventuellement en fournir les copies conformes aux administrations et aux chercheurs intéressés ;
- assurer la protection des documents contre les agents destructeurs : insectes, humidité, etc. ;
- prêter son concours technique à l'organisation des services d'archives dans les organismes gouvernementaux ;
- éliminer les documents inutiles après avoir pris avis du Conseil stipulé dans l'article ci-dessus ;

1. *Journal officiel de la République du Viêt-Nam*, 5 septembre 1959, n° 38, p. 2953-2955.

2. Ce Conseil n'a pas encore été formé.

B) *Le Bureau de Documentation et des Bibliothèques* est chargé de :

- assurer le dépouillement régulier des journaux officiels du Viêt-Nam ;
- assurer l'élaboration et la mise à jour des répertoires de textes législatifs et réglementaires du Viêt-Nam ;
- compiler les bibliographies nationales en coopération avec le Bureau du Dépôt légal ;
- étudier l'application des méthodes de classification internationales aux bibliothèques du Viêt-Nam ;
- [attributions des bibliothèques.]

ART. 6. — Le Service technique, placé sous l'autorité d'un chef de service, comprend trois bureaux, dirigés chacun par un chef de bureau :

A) *Le Bureau du Dépôt légal* : [...]

B) *Le Bureau des Echanges de publications* : [...]

C) *Le Bureau technique* est chargé de :

- l'envoi des étudiants et fonctionnaires en bourse d'étude ou de stage à l'étranger ;
- les problèmes et travaux relatifs au microfilm ;
- le contrôle technique des bibliothèques et archives dans le pays ;
- l'élaboration des instructions et réglementations professionnelles par la Direction ;
- la reliure des livres et documents ;
- l'organisation des cours de formation professionnelle.

ART. 7. — [Cumul de fonctions du sous-directeur.]

ART. 8. — Il est constitué auprès du directeur des Archives et Bibliothèques un Conseil d'administration comprenant : le secrétaire d'Etat à l'Education ou son délégué, président ; le représentant de la Direction générale du Budget et de l'Aide extérieure, le directeur des Archives et Bibliothèques nationales, le doyen de la Faculté des Lettres, un professeur d'histoire et de géographie, et une notabilité ou un homme de lettres connu pour ses œuvres littéraires, membres ; un fonctionnaire de la Direction des Archives et Bibliothèques, secrétaire.

ART. 9. — Le Conseil d'administration est chargé de :

- 1^o étudier le rapport du directeur des Archives et Bibliothèques sur le fonctionnement général et technique de la Direction ;
- 2^o formuler des suggestions concernant le programme d'action de la Direction ;
- 3^o donner son avis sur l'établissement du budget de la Direction.

ART. 10. — Le Conseil se réunira sur la convocation de son président et au moins une fois l'an.

ART. 11. — [Exécution.]

INDEX

[L'index des matières du présent volume sera confondu avec celui du volume XXI, qui couvrira l'ensemble des textes législatifs et réglementaires d'archives des pays d'Afrique, Amérique, Asie et Océanie.]

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Les commandes sont à adresser à la Direction des Archives d'Etat de la République démocratique d'Allemagne, Berlinerstraße 98-101, 15 Potsdam.
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Les commandes sont à adresser aux Archives générales du Royaume, 78, galerie Ravenstein, Bruxelles.
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2, ibid., 1969, in-8°, 780 p. 250 Pes.
Les commandes sont à adresser à la Direction générale des Archives et Bibliothèques d'Espagne, 31-33, Eduardo Dato, Madrid 6.
- Fasc. X : **Lajos PÁSZTOR, Guida delle fonti per la storia dell'America Latina negli archivi della Santa Sede e negli archivi ecclesiastici d'Italia**, Città del Vaticano, Archivio Vaticano, 1970, in-8°, VI-665 p. (*Collectanea Archivi Vaticani*, 2) 15 000 L.
Les commandes sont à adresser à l'Archivio Segreto Vaticano, Città del Vaticano.
- Fasc. XI : **M. MÖRNER, Fuentes para la historia de Ibero-América conservadas en Suecia**, Estocolmo, Archivo Nacional de Suecia, 1968, in-8°, 105 p. 15 Krs.
Les commandes sont à adresser aux Archives nationales de Suède, Arkivgatan 3, Stockholm 2.

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Charles KECSKEMÉTI, **La formation professionnelle des archivistes**. Liste des écoles et cours de formation professionnelle d'archivistes, Bruxelles, Conseil international des Archives, 1966, in-8°, 95 p. (publié avec le concours de l'UNESCO) 5 F. F.

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Charles KECSKEMÉTI, **La libéralisation en matière d'accès aux Archives et de politique de microfilmage**. Rapport présenté au VI^e Congrès international des Archives (Madrid, 3-6 septembre 1968), Paris, 1968, in-8°, 51 p. 5 F. F.

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1972. — Imprimerie des Presses Universitaires de France. — Vendôme (France)
ÉDIT. N° 32 242 IMPRIMÉ EN FRANCE IMP. N° 23 028



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PRINTED IN FRANCE

3/1972